

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 14th MARCH 2017

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[9:30]

The Roll was called and the Acting Dean led the Assembly in Prayer.

WELCOME TO HIS EXCELLENCY THE LIEUTENANT GOVERNOR

The Bailiff:

I will be saying something myself in just a moment but before doing so I would like to call upon the Connétable of St. Clement as the Chairman of Privileges and Procedures to welcome His Excellency.

Connétable L. Norman of St. Clement (Chairman, Privileges and Procedures Committee):

It is a great honour for me on behalf of all Members to welcome His Excellency, Air Chief Marshal Sir Stephen Dalton on his first visit to this Assembly as Lieutenant Governor, and to extend an equally warm welcome to Lady Dalton and members of their family present in your private gallery today. I express to them our good wishes at the start of what we all hope and indeed expect will be a very varied, interesting and rewarding period for all of them. The Lieutenant Governor's duties have evolved greatly since the 13th century when the first warden was appointed by the King of England to defend the Island. The defence of the Island was a serious business and threat of invasion by our French neighbours was very much a real concern at that time. Successive Governors ensured that Jersey was fortified against attack and oversaw the construction of the numerous towers which grace the exceptionally beautiful east coast of the Island. **[Laughter]** Well the exceptionally beautiful south-east coast of the Island. **[Laughter]** They also were responsible for the larger buildings which have become icons, such as Elizabeth Castle and Fort Regent. But these days it is unlikely that the Lieutenant Governor will have to worry much about the physical defence of the Island, and I am pleased to say even less likely that he will be required to undertake hand-to-hand combat on behalf of the Sovereign, but who knows? He will, however, be required to do something else very important which is not unconnected with a historic role. The warden was appointed to protect the interests of the King. The Islanders gave the King and his representatives their loyalty. In return, the King afforded the Island privileges which were confirmed over the centuries. It is upon those privileges that the Royal Court, where His Excellency took his historic oath yesterday, and this Assembly are founded. It is the Crown that guarantees the Island its status in the modern world as a Crown Dependency. The Lieutenant Governor is of course the personal representative of Her Majesty the Queen and the route the communications take from the States, through the Bailiff, the Lieutenant Bailiff and the Lieutenant Governor to the U.K. (United Kingdom) Government is formal recognition of our special relationship. In this communication process, the Governor plays his part in ensuring that the Island's views are properly understood. His Excellency also has an important role with the Bailiff and the Chief Minister in the arrangements of visits to the Island by ambassadors and representatives of foreign governments, something which is becoming increasingly significant to Jersey as it plays a more prominent part on the international stage and we assert our own international identity. It is for these reasons that I can welcome His Excellency as a Member of the Assembly this morning. I know that he has already expressed an interest in attending debates on a regular basis and I hope I have made clear the symbolism of his presence. However, in case he is eagerly looking forward to his contribution to the first such debate, I should say the next opportunity he will have to speak after this morning will be in 5 years' time **[Laughter]** when he is about to leave. It has always struck me as ironic that by convention the Lieutenant Governor speaks on his arrival when he knows least about our customs and, dare I say, our quirky little ways, and then again when he leaves when he probably knows far too much. **[Laughter]** Thanks to his military training, His Excellency may have also noticed a subtle discrepancy of some 7 inches between the height of his chair and that of the Bailiff's. Although the 2 respective roles share some

elements of common history, the relationship between them has not always been an easy one. In fact, in 1618 following a power struggle between the then Governor, Sir John Peyton, and the Bailiff, Jean Herault, the Privy Council ruled that the charge of military forces be wholly vested in the Governor and the care of justice and civil affairs with the Bailiff. That probably explains why the Bailiff does not wear a ceremonial sword but therefore there remains to this day a visual reminder of the Bailiff's presence in the States Assembly with the symbolic difference in heights of the respective seats, but I am pleased to say that relations between the Bailiff and the Lieutenant Governor have tended to be much more cordial in recent times. It is just over 3 months since our previous Governor, General Sir John and Lady McColl left the Island. Many describe them as a hard act to follow. Should His Excellency feel slightly daunted by that, he might gain comfort from the fact that almost all of his predecessors in modern history have been described in the very same way and I have no doubt that he will too. Such sentiments are a reflection of the contribution to Jersey that those who have held this office have made, not only on formal occasions, but just as importantly in their dealings with the many individuals and organisations that make up the social fabric of this Island. His Excellency, together with Lady Dalton, will meet Islanders from all walks of life, especially through their patronage of numerous local charities. Their involvement will be invaluable in highlighting the fantastic work undertaken by volunteers across the Island to support many worthy causes, and their presence at fundraising events will help to make them a success. While in office, His Excellency will have the ability to make a difference, not only to Island life, but equally importantly to the lives of Islanders. In return, I hope that he and Lady Dalton will find that their time in Jersey is not only challenging and fulfilling but also greatly enjoyable. For the moment, however, it falls to me on behalf of the Assembly to say how very pleased we are to welcome them. Thank you. **[Approbation]**

His Excellency, the Lieutenant Governor, Air Chief Marshal Sir S. Dalton:

Mr. Bailiff, Chief Minister, Connétable Norman, Members of the States, ladies and gentlemen, I would like to begin by thanking you for that lovely warm welcome and that traditional Jersey welcome here into the States. It is of course an important part of this building's function to ensure that the legislature and the compliance of the Island is debated, discussed and passed effectively. In particular, before I continue I would like to say a special thank you to Connétable Norman for his gracious words of welcome. Thank you. It is a great privilege for me to be here in this historic Assembly and to know that in my unique position as Her Majesty's representative I am among committed and earnest representatives of the people of Jersey. I look forward to the debates and undertake to listen avidly to discussions and to try and learn from them. In preparation for my appointment, I have sought the opportunity to understand the history of the development of the specific Governance regime here in Jersey. I have read various Privy Council papers and the U.K. Parliamentary Select Committee reports on the need for and the efforts of the U.K. Government to provide appropriate and correct support to the States and the people of Jersey. I am conscious that your work here has given Jersey a strong basis to meet many of the demands of the 21st century in today's international environment. Undoubtedly, the debates in this Assembly will reflect much of the turbulence and global issues faced across our planet. Equally, I look forward to the discussions on the Jersey-specific issues and requirements and concerns and that will be so much of the matter to the citizens of this Island. I have been reassured to hear and read about the quality of decision-making by the States Members which have over the early years of this century ensured that Jersey is well placed to meet the inevitable challenges for its prosperity and development. I have been sincerely heartened to be reminded over the past few days of the generous spirit of the Jersey people and of their willingness and, perhaps I should say, charitable nature to volunteer in their community. Preponderance to want to help others often well away from this Island and its society and for those who are much less fortunate than ourselves is a most laudable Jersey characteristic. I would remark that this sort of generous spirit is often defined by the leadership of a community.

By way of example, I note that the Chief Minister has just returned from an important tour that included signing an agreement on your behalf to return laundered money to the rightful authorities in Kenya. Such acts by this States Assembly, as well as the invaluable constructive charitable support it continues to provide to needy communities such as that in Rwanda, help to continue to build the fine reputation that Jersey has earned. Your commitment to championing adherence to international financial regulatory conduct and standards, as well as generously supporting developing communities around the world, sets a very fine example for other societies to emulate. The decision by the people of the United Kingdom of Great Britain and Northern Ireland to withdraw from the European Union is certain to take up considerable time, debate and discussion over the coming months here in Jersey but also in Westminster, Brussels and in our European neighbours. The impact is as yet unclear and the challenges and opportunities will need serious and careful consideration.

[9:45]

However, your reputation for sound debate and good judgment here in the States should give the Jersey people the confidence that their future will be safeguarded by your decisions on their behalf. For my part, I will seek to support that work in any way that I am able. Mr. Bailiff, thank you for convening this special sitting of the States. I am grateful to you and the Members of the States for also inviting my family and friends to be here today. It is of course important that they witness, as Connétable Norman mentioned, the first and penultimate time that I will speak in this Assembly. I am, and will remain, very conscious of the privilege that Her Majesty has afforded me to be her formal representative in this jewel among her Crown Dependencies. For the 5 years and 3 days of my appointment, Jersey and its people will be my absolute concern. I trust that when I next speak in this forum, the Members of this States will agree. Thank you for the opportunity today to address you and I look forward to working with you over the coming months and years.

[Approbation]

The Bailiff:

Your Excellency, thank you very much indeed. Perhaps now I can add my own welcome in this place to you. I am delighted that you are here and because the precedence of your welcome seemed to me to be right, I am late in welcoming Lady Dalton. I am delighted that she is here above me, and the other members of your family, and indeed all those present. Perhaps I might also mention Ms. Elaine Cobb from the Ministry of Justice who is keeping a beady eye on the performances here today as well, so all very welcome. Finally, before we rise, I would like to take the opportunity of welcoming the acting Dean, Paul Brooks. **[Approbation]** Reverend Brooks will be with us for a few months at least and we are looking forward to seeing him in and about this Chamber. The States will now rise temporarily and reconvene at 11.00 a.m.

[9:47]

ADJOURNMENT

[11:00]

COMMUNICATIONS BY THE PRESIDING OFFICER

1. The Bailiff:

We now take up the Order Paper. Under A, I would just like to welcome back Deputy Doublet who has been away for some time. Good to see you back. **[Approbation]**

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

2. Nomination of Deputy M. Tadier of St. Brelade as a member of the Environment, Housing and Infrastructure Scrutiny Panel

Under F, the nomination of Deputy Tadier as a member of the Environment, Housing and Infrastructure Scrutiny Panel. Deputy.

2.1 Deputy D. Johnson of St. Mary (Chairman, Environment, Housing and Infrastructure Scrutiny Panel):

As Chairman of the Environment, Housing and Infrastructure Scrutiny Panel I nominate Deputy Tadier to be a member of that panel. Deputy Tadier was previously a member until the resignation of the previous Chairman and, at the time of the panel's reconstitution, he indicated that he would at some future time like to make himself available. I am pleased to say that time has come and his appointment would bring the number of the panel up to 4. I therefore hope the Assembly will approve his nomination. Thank you.

The Bailiff:

Thank you. Seconded? **[Seconded]** Any other nominations? Very well, then I declare Deputy Tadier is elected. **[Approbation]**

QUESTIONS

3. Written Questions

3.1 THE DEPUTY OF GROUVILLE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE DESALINATION PLANT: [1(140)]

Question

Will the Minister, as the shareholder representative for Jersey Water, provide the following information in respect of the desalination plant?

- (a) The number of times the plant was run between August 2016 and February 2017 inclusive (broken down on a monthly basis);
- (b) The quantity of water (in litres) pumped into the Island's reservoirs during the same period (broken down on a monthly basis); and
- (c) The cost of using the desalination plant during this same period (broken down on a monthly basis).

Answer

The Minister is informed that the desalination plant is currently undergoing an upgrade to extend the capacity of the plant to enable it to produce 10 million litres of water per day. For the duration of the project, the plant is under the control of the contractor who is responsible for determining the running of the plant and volumes of water produced. During commissioning and testing, the plant is subject to numerous short runs by the contractor to commission and test the correct operation of the plant and its control systems. This work is ongoing.

The Minister is further informed that the cost of running the plant during the testing and commissioning phase are included within the planned project costs for the extension and are therefore not an operating cost for Jersey Water.

The frequency of operation, volume of water produced and electricity costs are detailed in the table below. The water produced has been transferred to Val de la Mare Reservoir for storage and subsequent use. The total volume of water produced between August 2016 and February 2017 during testing and commissioning equates to approximately 3.3 days' demand for water or 2.5% of the Jersey Water's reservoir storage capacity.

Month	Plant Runs / Month	Litres produced / Month	Electricity running costs*
--------------	---------------------------	--------------------------------	-----------------------------------

			£
August	0	0	0.00
September	5	2,700,000	5,007.22
October	8	11,387,000	7,194.80
November	26	34,625,000	6,273.50
December	1	3,149,000	39,157.82
January	0	0	0.00
February	13	14,311,000	5,796.53
		66,172,000	

* There is a timing difference between the operation of the plant and the electricity charge due to the meter reading and billing cycle. Included in these figures are power costs associated with commissioning the pumps, filtration systems, quarry pool and other processes when no water was being produced by the plant. It is not possible to separate out these costs.

3.2 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR EDUCATION REGARDING A REVIEW OF EARLY YEARS EDUCATION: [1(141)]

Question

Further to testimony provided on 27th February 2017 to the Education and Home Affairs Scrutiny Panel by the Jersey Early Years Association, will the Minister advise whether he has initiated a formal review of early years education and, if so, will he explain the reason for the review and provide details of who will undertake it, what the terms of reference will be and what time line will be followed?

Answer

Monitoring best practice in early years settings is a core function of the Education Department and is highlighted in the Business Plan. Reviews of various aspects of the provision in Jersey are ongoing and, as part of this process, the Minister has asked officers look at the needs of children in early years. This work will be carried out by officers at the Department in the usual way working with the newly reconstituted Early Years and Childhood Partnership, which is already looking at several aspects of the current system. Discussions are due to take place with them shortly regarding terms of reference and timescale.

3.3 THE DEPUTY OF GROUVILLE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING DEVELOPMENT OF THE FORMER JERSEY COLLEGE FOR GIRLS BUILDING: [1(142)]

Question

Will the Minister, as shareholder representative, advise what requests, if any, have been made to the States of Jersey Development Company to respect Jersey's Occupation history and, in particular, to restore the two red crosses on the front of the former Jersey College for Girls building?

Answer

The Minister is informed that no requests have been made to The States of Jersey Development Company Limited to restore the two red crosses on the front of the former Jersey College for Girls building.

The Minister is further informed by SoJDC that the red crosses were painted more than 70 years ago and are now barely visible. Whilst naturally being mindful of the importance of the need to preserve Jersey's Occupation history, SoJDC and the Minister must also take into account that the façade of the building is now in a poor state of repair and requires cleaning, repairing and painting to preserve the façade's overall structure and weather resistance.

The Minister is also advised by SoJDC that The British Red Cross website states that the red cross emblem is an indication that the person or object on which the emblem is displayed is connected with the International Red Cross Movement.

The red cross emblem must be trusted absolutely to signify neutrality and protection and its unauthorised use is forbidden in international and national law.

3.4 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING TURNOVER OF PRIMARY SCHOOL TEACHING STAFF: [1(143)]

Question

Further to the information published on 26th January 2017 under the heading 'Primary school teaching staff turnover 2009 to 2016' in response to a Freedom of Information request, will the Minister:

- (a) provide a breakdown of the grand totals given in this information into support staff, teaching assistants and teachers (in both absolute and percentage terms);
- (b) provide headcount and turnover figures for 2016, if available, expressed in a similar format;
- (c) provide a comparison of the Island's turnover rates with those in the U.K., if possible, and explain any differences found;
- (d) explain why, despite increasing primary school rolls during the period covered by the published information, the staffing headcount has reduced over the last 3 years; and
- (e) produce a comprehensive list, ranked by percentage, of the reasons staff give for leaving the employment of States of Jersey primary schools?

Answer

The tables shown below answer questions (a) and (b):

Primary School	October 2009 - September 2010			
	Teachers	Teaching Assistants	Support Staff	Total
Bel Royal School	4	3	1	8
d'Auvergne School	5		1	6
First Tower School	1	1	2	4
Grands Vaux School	1	4	1	6
Grouville School	1		6	7
Janvrin School	1	1	3	5
Jersey College for Girls Prep				
La Moye School	7		2	9
Les Landes School	3		1	4
Mont Nicolle School	1	1		2
Plat Douet School	5		1	6
Rouge Bouillon School	4		1	5
Samares School	2	2	3	7
Springfield School	2		1	3
St Clement School	1	1	2	4
St John School	2		2	4
St Lawrence School				
St Luke School		1		1
St Martin School	2		1	3
St Mary School		3	1	4
St Peter School	1	1		2
St Saviour School	4	1		5
Trinity School	4	1	1	6
Victoria College Preparatory	1	1		2
Total	52	21	30	103

October 2009 - September 2010				
Teachers	Teaching Assistants	Support Staff	Total	
33.3%	75.0%	9.1%	29.6%	
29.4%		16.7%	20.0%	
5.0%	14.3%	28.6%	11.8%	
9.1%	133.3%	10.0%	25.0%	
5.9%		46.2%	18.9%	
5.9%	12.5%	23.1%	13.2%	
36.8%		18.2%	23.7%	
33.3%		14.3%	22.2%	
10.0%	33.3%		10.0%	
27.8%		7.7%	15.4%	
18.2%		5.9%	11.4%	
15.4%	50.0%	20.0%	21.9%	
22.2%		20.0%	14.3%	
9.1%	33.3%	20.0%	16.7%	
18.2%		20.0%	16.0%	
	25.0%		4.2%	
25.0%		11.1%	13.0%	
	100.0%	20.0%	22.2%	
8.3%	25.0%		8.0%	
36.4%	50.0%		25.0%	
40.0%	25.0%	20.0%	31.6%	
5.6%	33.3%		6.9%	
15.8%	18.8%	13.2%	15.4%	

Primary School	October 2010 - September 2011			
	Teachers	Teaching Assistants	Support Staff	Total
Bel Royal School	3	3	1	7
d'Auvergne School	7	2	1	10
First Tower School	3	1	1	5
Grands Vaux School	3	1	1	5
Grouville School	2	1	2	5
Janvrin School	2	3	1	6
Jersey College for Girls Prep	4		1	5
La Moye School	3	2		5
Les Landes School		1	3	4
Mont Nicolle School	1			1
Plat Douet School	3	1	5	9
Rouge Bouillon School	3	2		5
Samares School	4		2	7
Springfield School	4	1		5
St Clement School	2	1	1	4
St John School	6		2	8
St Lawrence School		1	1	2
St Luke School	2		3	5
St Martin School				
St Mary School	1	2		3
St Peter School	3			3
St Saviour School				
Trinity School	2			2
Victoria College Preparatory	2		2	4
Total	60	23	27	110

October 2010 - September 2011				
Teachers	Teaching Assistants	Support Staff	Total	
27.3%	150.0%	9.1%	29.2%	
35.0%	40.0%	16.7%	32.3%	
14.3%	12.5%	20.0%	14.7%	
25.0%	33.3%	11.1%	20.8%	
11.1%	12.5%	18.2%	13.5%	
11.8%	37.5%	7.7%	15.8%	
17.4%		12.5%	13.9%	
15.0%	28.6%		12.8%	
	25.0%	42.9%	20.0%	
10.0%			5.3%	
17.6%	12.5%	50.0%	25.7%	
13.0%	40.0%		10.6%	
30.8%	25.0%	14.3%	22.6%	
44.4%	14.3%		25.0%	
18.2%	25.0%	11.1%	16.7%	
54.5%		18.2%	30.8%	
	33.3%	10.0%	8.7%	
18.2%		30.0%	20.0%	
10.0%	40.0%		15.0%	
23.1%			11.5%	
18.2%			10.0%	
11.1%		25.0%	12.9%	
17.8%	19.3%	12.3%	16.3%	

Primary School	October 2011 - September 2012			
	Teachers	Teaching Assistants	Support Staff	Total
Bel Royal School		1	1	2
d'Auvergne School	9		2	11
First Tower School	2	1		3
Grands Vaux School	3		4	7
Grouville School	1		3	4
Janvrin School	2	2	5	9
Jersey College for Girls Prep	2		6	8
La Moye School	4		4	8
Les Landes School	1		3	4
Mont Nicolle School	3			3
Plat Douet School	2	2	5	9
Rouge Bouillon School	3	1	3	7
Samares School	6		7	13
Springfield School	1	1	3	5
St Clement School			2	2
St John School			3	3
St Lawrence School	2			2
St Luke School			4	4
St Martin School	2			2
St Mary School	1		1	2
St Peter School	2	1	3	6
St Saviour School	2	1	2	5
Trinity School	3		2	5
Victoria College Preparatory	4			4
Total	55	10	63	128

October 2011 - September 2012				
Teachers	Teaching Assistants	Support Staff	Total	
	50.0%	9.1%	8.0%	
42.9%		28.6%	30.6%	
10.0%	20.0%		9.1%	
27.3%		44.4%	26.9%	
5.6%		20.0%	9.5%	
11.8%	16.7%	41.7%	22.0%	
8.3%		75.0%	20.0%	
23.5%		25.0%	20.0%	
10.0%		50.0%	19.0%	
27.3%			12.5%	
11.1%	25.0%	45.5%	24.3%	
13.6%	12.5%	17.6%	14.9%	
40.0%		70.0%	43.3%	
10.0%	11.1%	100.0%	22.7%	
		25.0%	8.7%	
		25.0%	11.1%	
20.0%			8.0%	
		50.0%	16.7%	
25.0%			8.7%	
10.0%		25.0%	10.5%	
18.2%	25.0%	33.3%	25.0%	
16.7%	25.0%	22.2%	20.0%	
30.0%		28.6%	23.8%	
23.5%			13.3%	
16.3%	7.2%	27.4%	18.2%	

Primary School	October 2013 - August 2014			
	Teachers	Teaching Assistants	Support Staff	Total
Bel Royal School	3		1	4
d'Auvergne School		2	1	3
First Tower School			3	3
Grands Vaux School	1	4	3	8
Grouville School	1		2	3
Janvrin School	2		2	4
Jersey College for Girls Prep	2		3	5
La Moye School	4		3	7
Les Landes School	3	1		4
Mont Nicolle School			2	2
Plat Douet School	2	1	1	4
Rouge Bouillon School	1		3	4
Samares School	3		1	4
Springfield School	2	1		3
St Clement School	1			1
St John School	2		2	4
St Lawrence School	1		1	2
St Luke School	3			3
St Martin School	1			1
St Mary School	2		2	4
St Peter School	2			2
St Saviour School	1	1	2	4
Trinity School	1			1
Victoria College Preparatory			3	3
Total	38	10	35	83

October 2013 - August 2014			
Teachers	Teaching Assistants	Support Staff	Total
25.0%		8.3%	14.8%
	18.2%	7.7%	7.0%
		27.3%	8.1%
7.7%	57.1%	37.5%	28.6%
5.6%		14.3%	7.3%
11.8%		11.1%	8.5%
9.1%		33.3%	12.5%
22.2%		21.4%	18.4%
30.0%	20.0%		19.0%
		20.0%	7.4%
11.1%	8.3%	11.1%	10.3%
4.5%		16.7%	8.2%
18.8%		10.0%	11.4%
22.2%	11.1%		15.0%
8.3%			4.2%
18.2%		20.0%	15.4%
10.0%		7.7%	7.7%
27.3%			12.5%
10.0%			4.0%
20.0%		66.7%	20.0%
18.2%			8.0%
9.1%	20.0%	22.2%	16.0%
10.0%			4.3%
		37.5%	10.0%
11.1%	6.3%	14.6%	11.2%

Primary School	September 2014 - September 2015			
	Teachers	Teaching Assistants	Support Staff	Total
Bel Royal School	1		3	4
d'Auvergne School	4	1	3	8
First Tower School	2		3	5
Grands Vaux School	2	4	1	7
Grouville School	1	1	4	6
Janvrin School	3	1	1	5
Jersey College for Girls Prep	2	1	3	6
La Moye School	3	4	4	11
Les Landes School	2	1	2	5
Mont Nicolle School	5	1	3	9
Plat Douet School	4		1	5
Rouge Bouillon School	1	1	4	6
Samares School	2		3	5
Springfield School				
St Clement School	1	1		2
St John School			2	2
St Lawrence School		1	2	3
St Luke School	1	1	2	4
St Martin School	1	1		2
St Mary School	1	1		2
St Peter School				
St Saviour School	2		2	4
Trinity School	1		1	2
Victoria College Preparatory	1		3	4
Total	40	20	47	107

September 2014 - September 2015			
Teachers	Teaching Assistants	Support Staff	Total
8.3%		27.3%	14.8%
20.0%	9.1%	20.0%	17.4%
9.5%		27.3%	11.9%
20.0%	66.7%	16.7%	31.8%
6.3%	11.1%	36.4%	16.7%
16.7%	8.3%	6.3%	10.9%
9.5%	10.0%	33.3%	15.0%
16.7%	66.7%	30.8%	29.7%
22.2%	20.0%	40.0%	26.3%
38.5%	50.0%	27.3%	34.6%
21.1%		10.0%	11.9%
4.5%	9.1%	25.0%	12.2%
13.3%		33.3%	14.7%
8.3%	20.0%		8.0%
		20.0%	8.0%
	33.3%	14.3%	11.1%
11.1%	16.7%	28.6%	18.2%
9.1%	16.7%		7.7%
11.1%	20.0%		11.8%
18.2%		22.2%	16.7%
10.0%		14.3%	8.3%
5.0%		37.5%	12.5%
11.9%	12.0%	20.4%	14.6%

Primary School	October 2012 - September 2013			
	Teachers	Teaching Assistants	Support Staff	Total
Bel Royal School				
d'Auvergne School	5		3	8
First Tower School	10	1		11
Grands Vaux School	1	1	1	3
Grouville School	6	1		7
Janvrin School	1	1	2	4
Jersey College for Girls Prep	8		1	9
La Moye School	5	1	2	8
Les Landes School	7		1	8
Mont Nicolle School	1			1
Plat Douet School	5	1	3	9
Rouge Bouillon School	2		5	7
Samares School	2			2
Springfield School	1		1	2
St Clement School				
St John School				
St Lawrence School			1	1
St Luke School	3	1	3	7
St Martin School				
St Mary School	1			1
St Peter School	2			2
St Saviour School	1	1		2
Trinity School	2			2
Victoria College Preparatory	1		1	2
Total	64	8	24	96

October 2012 - September 2013			
Teachers	Teaching Assistants	Support Staff	Total
27.8%		33.3%	22.2%
50.0%	20.0%		28.9%
10.0%	20.0%	11.1%	12.5%
33.3%	14.3%		17.5%
5.9%	7.7%	14.3%	9.1%
36.4%		11.1%	23.1%
27.8%	16.7%	11.8%	19.5%
63.6%		16.7%	36.4%
7.7%			3.8%
27.8%	9.1%	30.0%	23.1%
9.5%		27.8%	14.9%
12.5%			5.9%
10.0%		50.0%	9.5%
		7.7%	3.8%
27.3%	25.0%	33.3%	29.2%
10.0%			5.3%
15.4%			7.4%
9.1%	20.0%		8.0%
20.0%			8.7%
5.6%		12.5%	6.7%
18.9%	5.4%	10.0%	13.2%

Primary School	September 2015 - August 2016			
	Teachers	Teaching Assistants	Support Staff	Total
Bel Royal School			1	1
d'Auvergne School	2	3		4
First Tower School	1	3	1	5
Grands Vaux School	2		2	4
Grouville School	4	1	3	8
Janvrin School	4		2	6
Jersey College for Girls Prep	2		1	3
La Moye School	6		4	10
Les Landes School	1	1	1	3
Mont Nicolle School			3	3
Plat Douet School	2	3		5
Rouge Bouillon School	3	2	1	6
Samares School	1	2		3
Springfield School			1	1
St Clement School	3			3
St John School	1		2	3
St Lawrence School	1		3	4
St Luke School	4	1	1	6
St Martin School	2	1	1	4
St Mary School	1			1
St Peter School	2		1	3
St Saviour School				
Trinity School	2	1	2	5
Victoria College Preparatory	1			1
Total	45	18	34	97

September 2015 - August 2016				
Teachers	Teaching Assistants	Support Staff	Total	
			14.4%	4.4%
10.7%	28.3%		35.9%	22.2%
5.0%	31.0%		9.9%	12.6%
18.3%			57.8%	19.5%
26.7%	11.3%		29.5%	23.5%
22.4%			14.3%	13.7%
8.9%			10.4%	7.1%
35.1%			38.0%	29.0%
10.4%	20.0%		21.7%	15.6%
			37.9%	13.7%
12.7%	23.9%			13.8%
13.7%	18.2%		7.9%	13.2%
7.8%	20.8%			10.5%
			35.1%	5.0%
29.8%				14.9%
10.0%			24.5%	13.0%
10.7%			34.8%	19.1%
40.9%	16.7%		15.7%	27.1%
20.0%	16.7%		16.7%	18.2%
11.0%				5.5%
20.0%			14.3%	14.2%
18.2%	14.4%		31.0%	20.5%
4.9%				3.1%
13.8%	10.8%	18.6%	14.4%	

Primary School	September 2016 - December 2016			
	Teachers	Teaching Assistants	Support Staff	Total
Bel Royal School				
d'Auvergne School	1	1	2	4
First Tower School			2	2
Grands Vaux School				
Grouville School			2	2
Janvrin School			1	1
Jersey College for Girls Prep	1			1
La Moye School	1			1
Les Landes School				
Mont Nicolle School				
Plat Douet School				
Rouge Bouillon School	1		2	3
Samares School	1	1		2
Springfield School				
St Clement School	2			2
St John School				
St Lawrence School	2			2
St Luke School				
St Martin School				
St Mary School				
St Peter School	1			1
St Saviour School	1			1
Trinity School	1	2	1	4
Victoria College Preparatory	1			1
Total	13	4	10	27

September 2016 - December 2016				
Teachers	Teaching Assistants	Support Staff	Total	
			26.7%	5.4%
			22.2%	6.1%
			8.7%	2.4%
4.8%				2.6%
6.3%				3.2%
4.7%			17.8%	6.9%
7.7%	11.4%			7.0%
18.2%				9.5%
20.0%				9.5%
11.1%				4.9%
8.7%				4.4%
9.1%	32.0%		22.2%	18.4%
5.0%				3.0%
4.2%	2.6%	6.4%	4.3%	

- (c) It is not possible to provide a comparison between Island turnover rates and UK given the wide variety of data sources.
- (d) Between the two reporting periods (2015 & 2016), changes were made within the HRIS system to split the primary schools from the nurseries, in doing so, 64 headcount were removed from Primary Schools.
- (e)

End Reason	Total	%
Other Employment in Jersey	163	21.7%
Move Within Dept.	151	20.1%
Contract Expiry	150	20.0%
Family Reasons	89	11.9%
Retirement	88	11.7%
Leaving Jersey	52	6.9%
Ill Health	14	1.9%
Acting Up	12	1.6%
Inter-Dept. Transfer	7	0.9%
Promotion	5	0.7%
Dismissal	4	0.5%
Early Retirement	4	0.5%
Secondment	4	0.5%
Deceased	2	0.3%
Resign Prior To Formal Action	2	0.3%
Failed Probation	1	0.1%
Other Voluntary	1	0.1%
Voluntary Early Retirement	1	0.1%
Voluntary Redundancy	1	0.1%
Total	751	

3.5 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE IMPACT OF RISES IN THE RETAIL PRICES INDEX ON THE DISPOSABLE INCOME OF HOUSEHOLDS RELIANT UPON INCOME SUPPORT: [1(144)]

Question

Given the rise in the Retail Prices Index of approximately 16.8% over the 7-year period from September 2009 to September 2016 (using June 2000 as the base measurement), will the Minister inform members of the extent that the disposable income of the following household types, where reliant on Income Support, has been reduced by the decision to freeze components, and by the additional changes made to Income Support components / disregards to achieve £10 million of savings from 2015?

- (a) single adult;
- (b) lone parent with one child;
- (c) couple with one child;
- (d) single pensioner on full States of Jersey pension; and
- (e) single person on 100% Long-Term Incapacity Allowance.

Answer

There have been many changes to Income Support since 2009, against a backdrop of a global recession and historically high levels of unemployment in Jersey.

In particular, the Income Support scheme now includes significant incentives for households to move towards financial independence. Back to work teams now provide tailored support and a number of innovative schemes are available to encourage employers to recruit local jobseekers. At the start of Income Support, a low-income worker would only keep 6% of their earnings on top of their Income Support entitlement. This has now increased significantly to 23%, providing a meaningful incentive for low-income households to find work and remain in work.

Difficult decisions were needed in 2015 when the States made a commitment to support strategic increases in health and education services at a time of restricted government income. All Departments agreed reduced spending targets but the measures approved by the States in respect of benefit budgets ensured that benefit spend was protected at its existing level throughout the MTFP.

Whilst this necessitated holding some elements of Income Support steady, funding has been made available to support the major improvement in the quality of social rental accommodation and to increase the financial support available to private sector tenants. The benefit changes adopted were carefully chosen to improve the targeting of benefits, support moves towards financial independence and minimise the impact on individuals.

It is an important role of government to improve long-term outcomes for low-income households. Since 2009 the States has made significant progress to support measures that help low-income and vulnerable households stay healthy, make the best of education, enjoy good quality accommodation and move closer to, or achieve, financial independence.

The success of these overall measures can be seen in the reducing need for Income Support over the last 5 years. As reported in the latest Annual Report, over the previous five years from 2011 to 2015, the percentage of working-age households receiving Income Support with no adults with earned income has decreased steadily from 60% to 49%. In addition, the percentage of children in Income Support workless households has decreased at a similar rate, as shown below.

<i>Year</i>	<i>% of Income Support Working Age Households with No Earned Income</i>	<i>% of All Children in Income Support Working Age Households with No Earned Income</i>
2011	60%	39%
2012	58%	35%
2013	55%	35%
2014	52%	32%
2015	49%	28%

The Annual Report also identifies the improvement in the number of households that are totally reliant on Income Support – i.e. they have no other source of income at all. This has fallen from 18% in 2011 to 13% in 2015. The Report notes that the previous five years have seen a significant decrease in the percentage of Income Support households that are wholly reliant on the weekly benefit as their source of income. This trend can be seen across all household types.

<i>Income Support Households by household type wholly reliant on Income Support income at 31 December</i>					
<i>Year</i>	<i>65+</i>	<i>Adult/s without children</i>	<i>Adults with child/ren</i>	<i>Single adult with child/ren</i>	<i>Total</i>
2011	1%	34%	6%	20%	18%
2012	1%	34%	6%	17%	19%
2013	1%	32%	6%	17%	17%
2014	1%	29%	4%	17%	15%
2015	1%	25%	2%	14%	13%

The disposable income of any particular household will depend on many different factors and will change over time. The recent changes to Income Support have helped low-income families improve their disposable income by supporting moves into employment, improving accommodation (with an emphasis on improved insulation leading to lower energy bills), and investing in the next generation through the pupil premium which has now been rolled out to all Income Support families.

3.6 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING APPLICATIONS BY EMPLOYERS FOR ADDITIONAL STAFF WITH REGISTERED AND LICENSED STATUS: [1(145)]

Question

For the period from October 2015 to September 2016, will the Chief Minister provide:

- (a) the total number of applications for additional staffing made by employers under the standard classification codes for registered (i.e. permanent, seasonal and contract) and licensed positions;
- (b) numbers (in both absolute and percentage terms) to show which of such applications were granted, refused and removed, broken down by economic sector; and
- (c) numbers for total employment in each such sector?

Answer

The figures are produced and published on a quarterly basis, and at the end of each calendar year, inclusive of approvals, refusals, and by type, e.g. permanent, seasonal and contract, and as to whether registered or licenced; and the figures for permissions removed are also published. All these statistics are analysed by sector.

These statistics are available in the public domain.

3.7 DEPUTY J.A. HILTON OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE FEEDING OF SEAGULLS: [1(146)]

Question

Will the Chief Minister inform members when he will make the necessary arrangements to transfer responsibility for the Statutory Nuisances (Jersey) Law 1999, and other relevant legislation relating to food, from the Minister for Health and Social Services to that of the Environment in order that Regulations might be lodged to address the feeding of seagulls so that such an act would be seen either as prejudicial to health or as a nuisance and thereby constitute an offence?

Answer

It is hoped that Regulations to transfer these responsibilities from the Minister for Health and Social Services to the Minister for the Environment will be lodged before the 18th April 2017 States sitting. Alongside this, if action is needed in the meantime on a public policy issue that action will continue, including reviewing legislation with a view to considering matters of nuisance and health if a person is feeding wild birds or animals.

3.8 DEPUTY J.A. HILTON OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING AN INDEPENDENT AUDIT OF THE CHILDREN'S SERVICE: [1(147)]

Question

Further to his answer during questions without notice on the 17th January 2017 to my question about an independent audit of the Children's Service by the Scottish Inspection Board or a similar organisation, that the matter "*is in hand*", will the Minister advise when this inspection will take place and who will conduct it?

Answer

It was agreed at a meeting of the Children's Services Improvement Board that, as part of a quality assurance framework, external scrutiny should take place on a regular basis. This will be every three years, in line with jurisdictions in the United Kingdom.

The Managing Director of Community and Social Services has had discussions about a bespoke independent scrutiny process with the Director of Inspection of a UK-based Inspectorate. Discussions are progressing in relation to the model and timescale of scrutiny activity. This is likely to commence in the latter part of 2017.

In addition, the establishment of the Jersey Health and Social Care Commission is progressing with the appointment of a Chair and Commissioners and the likelihood of the Commission assuming regulatory and inspection responsibilities in Q4 2017. A number of regulated children's services will come under the Commission's inspection remit.

Consultation on draft Regulations for care homes (including children's homes), care at home and adult day care is currently underway and work will shortly commence on developing care standards for use by the Commission.

3.9 DEPUTY J.A. HILTON OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING LONG-TERM INCAPACITY ALLOWANCE: [1(148)]

Question

In respect of Long-Term Incapacity Allowance, will the Minister advise:

- (a) how many claimants are currently in receipt of it;
- (b) how many claimants reside in countries other than Jersey;
- (c) what the yearly cost of the Allowance has been from 2011 until the present time;
- (d) of the payments made to claimants who live outside of Jersey, in which countries the claimants reside;
- (e) the yearly cost since 2011 of the Allowance paid to claimants residing outside of Jersey;
- (f) how many of the claimants residing outside of Jersey since 2011 have a percentage award which would warrant close supervision by the Department of Social Security if they resided in the Island; and
- (g) what measures, if any, the Department takes to ensure those claimants residing outside of Jersey are monitored in such a way as to reduce the possibility of fraud taking place?

Answer

Long Term Incapacity Allowance (LTIA) was introduced in October 2004 and replaced Invalidity and Disablement benefits. The data presented here describes LTIA only.

LTIA may be paid to people outside of Jersey for up to 13 weeks and can be paid for longer periods to claimants who were in receipt of the benefit before moving to a country where a reciprocal agreement is in place.

Individuals may have more than one LTIA claim if they have more than one, unrelated condition.

- a) At the end of February 2017, a total 3,066 people were in receipt of LTIA

- b) In total 177 people in receipt of LTIA currently reside outside of Jersey
- c) The table below shows the annual cost of LTIA since 2011. Accounts data for 2016 will be released in due course subject to audit.

Year	Costs
2011	£12,635,000
2012	£13,416,000
2013	£14,567,000
2014	£14,858,000
2015	£15,515,000

- d) The table below shows the number of claimants split by current country of residence. Categories containing less than 5 individuals have been merged.

Country	Number of claimants in 2017
United Kingdom	89
Portugal	61
Irish Republic	5
Spain	5
'Other'	17
Total	177

- e) Historic information regarding the yearly amount of benefit paid abroad is not accessible for analysis in the Social Security systems. The data held describes the benefit claimant's current circumstance.

For example, if a person currently resides in Jersey, but previously lived abroad in a reciprocal country, the data regarding that person's claim and the amount of benefit they have received will be attributed to 'Jersey'.

- f) Administration of the LTIA benefit does not require a threshold at which a higher or lesser level of supervision is required. The frequency with which a claimant's condition is reviewed is based on clinical matters and identified by the Medical Board. Conditions which are likely to be changeable (subject to improvement or decline) are likely to be given a shorter review period by the Medical Board.
- g) Claimants residing outside of Jersey are subject to the same procedures as locally resident people. As noted in the reply to written question 9466 tabled on 14th June 2016, reciprocal agreement legislation allows for the country of residence to arrange a medical board on our behalf when a review is required. The doctor in the reciprocal country completes and returns the medical report. This report is passed to the Jersey Medical Board Doctors who award the percentage of LTIA. While there is no necessity for the person to return to Jersey for a medical review, reviews can also be arranged for them in Jersey if that is their preference.

3.10 DEPUTY J.A. HILTON OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING VACANT RESIDENTIAL PROPERTY ATTACHED TO ROUGE BOUILLON SCHOOL: [1(149)]

Question

Further to previous occasions on which I have asked about the vacant residential property attached to Rouge Bouillon School, and given the shortage of housing in the Island, what does the Minister intend to do about this matter to ensure that the property is let and does not fall into disrepair through neglect?

Answer

The Deputy will be aware that there is pressure on provision of both indoor and outdoor space at the Rouge Bouillon School. The relocation of the Police service from the adjacent site provides an opportunity to consider how these needs, together with potential improvements to the operation of the Fire Service, can be achieved. The former school property may play a part in reconfiguration of that space and no decision to consider re-letting the property will be taken until that exercise has concluded. Due to the proximity of the property to the school, any decision to re-let the property will be taken in conjunction with the Education Department.

3.11 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE CHIEF MINISTER REGARDING LEGISLATION TO ALLOW FOR SAME-SEX MARRIAGE: [1(150)]

Question

Will the Chief Minister provide an update on the proposed timeline to introduce legislation to allow for same-sex marriage?

Answer

Law-drafting instructions have been issued (MD-HA-2017-0001). It is anticipated that the draft Law will be lodged for debate in Summer2017 and will come into force in December 2017.

3.12 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING GYM FACILITIES PROVIDED BY THE DEPARTMENT FOR ITS WORKERS: [1(151)]

Question

Will the Minister provide the details of any gym facilities his Department provides for its workers, including the date on which they were set up and their cost?

Answer

A departmental wellbeing team has been formed at DfI which has been looking at possible initiatives for improving the wellbeing of staff at DfI. They have developed a pilot project for all DfI employees. A mini-gym is being trialled at Bellozanne, comprising 6 exercise machines and a few free weights. The equipment is not new, it is reconditioned and is being used on the understanding that if the decision is taken not to continue after the trial period then the equipment will be purchased by the Sport Division of the Economic Development, Tourism, Sport and Culture Department which has helped source and oversee the purchase and will provide support on the use of the equipment.

Due to its relatively remote out-of-town location, training facilities are not readily available to Bellozanne workers who wish to train before work or during lunch without a dedicated trip to town

during peak traffic. If DfI wish to accrue the financial and social benefits of a healthier workforce, then it has to make it as easy as possible to incorporate exercise into their daily routine and remove as many barriers as possible, in this instance the time to travel to town.

It is expected that this facility will open at the end of March and will be for all DfI employees to use in their own time (not work time). The cost of equipment is £23,750.

During the pilot scheme we will be trying to gauge the use and benefits of providing such a facility as the model may be used in other Departments.

The pilot must be seen in the context of the existing Active Card offering to States of Jersey employees where they receive reduced rates and have access to a wide range of facilities. It is suggested that this facility is branded in line with the Active Card, perhaps as “Active at Work” or something similar and that if an employee is an active card holder this facility becomes available to them at no extra cost. If employees are not an active card holder then a monthly payment to use the facility will be made.

Having the active card or monthly payment system would mean there is an incentive to use the gym as they have paid for it, and those existing Active Card holders will get an additional benefit for their card subscription. It also means that the facility is a joint project between employer and employee with both contributing.

3.13 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE JERSEY AIRCRAFT REGISTRY: [1(152)]

Question

Will the Minister provide a breakdown of the total cost so far incurred in setting up and managing the Jersey Aircraft Registry, as well as the number of aircraft which have so far been registered?

Answer

Since the decision was made on 17th September 2013 by the then Minister for Economic Development to pursue a Jersey Aircraft Registry until 1st February 2017, £860,801 has been spent on establishing and developing the Jersey Aircraft Registry (JAR).

This breaks down as follows:

- IT development - £372,000
- Registrar services - £115,000
- Insurance - £25,000
- Specialist Advice & Consultancy - £177,000
- Civil Aviation Authority (CAA) - £15,000
- External Marketing, admin and PR support - £32,000
- Travel and associated expenses - £17,000
- External legal advice - £11,000
- Miscellaneous including internal resources - £96,000

To date two aircraft have been registered. The Jersey Aircraft Registry opened in late 2015. It was given the full year of 2016 to operate. Since the beginning of this year a new team has been working towards a redesign and on a new model to improve performance. This work is ongoing and expected to finalise in the coming months.

3.13 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE COST OF SUBSIDISING G.P.VISITS: [1(153)]

Question

Will the Minister provide the details of how much has been spent on the public subsidy of G.P. visits in each year for the last three years; and will the Minister further provide estimates of how much it would cost to fully subsidise G.P. visits?

Answer

The table below shows the total value of medical benefit subsidies made towards the cost of GP consultations.

Year	Cost
2013	£7,211,000
2014	£7,108,000
2015	£7,298,000

On average 350,000 GP consultations take place each year and attract the medical benefit subsidy. In addition since 2015, GPs have received contractual payments under the Jersey Quality Improvement Framework with an annual value of £1,584,000.

An initial estimate can be made to calculate the cost to the States if these consultations were funded in full by considering the current GP list prices for each type of patient and for each type of service.

For example, using the fees published on GP web sites, the cost of a surgery consultation averages £38.50. Some surgeries charge less for students and children (ranging from £0 to £25) and most charge more for home visits (ranging from £70 to £100 and averaging £89). Around 6% to 7% of GP consultations are home visits and attract a higher fee.

If these averages are used (£38.50 for surgery visits and £89.00 for home visits) the cost to fully fund GP consultations based on the current volume of consultations would be an additional £15 million a year.

This estimate should be treated with caution. It does not take into account:

- The significant volume of discounting included within the current payment system.
- The additional fees practices charge for other services such as taking blood samples.
- Any increase in the number of consultations which could be generated within a fully funded system.
- The level at which a full subsidy would be agreed.

3.15 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING EXPENDITURE ON STUDENT GRANTS: [1(154)]

Question

Will the Minister provide a breakdown of how much has been spent on student grants to cover the partial costs of university tuition fees over the last three years; and will the Minister also indicate how far this was from the total cost of university tuition fees for Jersey students?

Answer

Academic year	Total tuition fees	States spending on fees	Difference (parent Student contribution)	% Difference
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2014/15	£10,358,993	£5,600,717	£4,758,276	46%
2015/16	£9,211,671	£4,635,032	£4,576,639	50%
2016/17	£9,257,366	£4,934,688	£4,322,678	47%

These figures are for the students who are registered with Student Finance only. Information is not available for those who do not inform the Department of their university place or seek financial support from the States.

3.16 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING COMPLAINTS MADE TO HIM AND HIS DEPARTMENT REGARDING ACTIONS OF THE PLANNING DEPARTMENT: [1(155)]

Question

Will the Chief Minister advise how many complaints, if any, have been made to him and to officers in his Department whilst he has been Chief Minister regarding alleged criminal acts by members of the Planning Department; will he also advise what actions, if any, either he personally or his officers have taken in response to any such complaints; and, if he has taken no personal action in response to any such complaint, will he explain why he has not done so?

Answer

While numerous individual matters are referred to the Chief Minister – and this has included matters concerning the Environment Department and their officers – it is not the role of the Chief Minister to take personal action in relation to complaints of criminal nature. Any person who wishes to make an allegation of criminal nature should approach the States of Jersey Police Force, and this is the advice provided to a complainant. A criminal investigation could then result in a subsequent disciplinary matter – and there have been *nil* cases of a criminal matter resulting in disciplinary action in relation to planning officers in the last five years.

3.17 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING THE PROVISION OF RECORDS FROM THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES: [1(156)]

Question

Will H.M. Attorney General advise whether or not his Department has been involved in any recent refusal to provide records from the Department of Health and Social Services relating to a vulnerable person and that person's children to the person's Advocate; will he confirm whether or not all parties in any such case have given consent for those records to be released; and, if so, will he explain why there has been a refusal to release the records?

Answer

The question appears to refer to a specific case in which the Law Officers' Department is acting for Health and Social Services. It is not appropriate for the Attorney General to comment in public about the details of what, as the question indicates, is a delicate case.

3.18 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING WAITING TIMES FOR PEOPLE NEEDING TO SEE A CONSULTANT: [1(157)]

Question

Further to the answer provided on 17th January 2017 to written question 1(24), will the Minister provide an update on the current waiting times facing people who need to see a consultant, across all medical specialties, and will he also explain the reasons for any exceptional waiting periods?

Answer

Hospital specialties

All referrals to Consultants are graded by clinical need into ‘urgent’, ‘soon’ or ‘routine’ categories in order to give the appointments booking team an appropriate clinical guide for urgency of appointment required.

As a general guide, ‘urgent’ patients are given an appointment within 2 weeks, ‘soon’ patients are given an appointment within 8 weeks and ‘routine’ in chronological order after all graded ‘urgent’ and ‘soon’ are booked.

The same grading is given to a patient when adding them to the waiting list for a procedure/treatment.

The length of time a patient may wait does vary by specialty and varies each week within specialties. The variation is driven by:

Number of available consultants

Number of referrals received

Number of patients being added to the procedure list

Bank Holidays

Time of the year

Number of pre-advised patient cancellations

The position in February 2017 is detailed below in the table. This shows the average number of weeks patients who were seen in February had waited for their appointment or treatment. This includes all three categories of clinical urgency.

Specialty	Average wait in weeks for first out-patient appointment
Breast Surgery	3
Ears Nose and Throat (ENT)	9
Cardiology	6
Dermatology	11
Diabetes medicine	13
Gastroenterology	14
General Medicine	7
General Surgery	6

Gynaecology	5
Infectious Diseases	10
Nephrology	9
Neurology	9
Ophthalmology	8
Oncology	1
Oral Surgery	9
Orthopaedics	14
Paediatrics	9
Pain	9
Respiratory	10
Rheumatology	3
Urology	9

CAMHS

Within CAMHS, referrals are made to the service rather than individual practitioners so most referrals are appropriate for assessment by any member of the multi-disciplinary team. Waiting times reported for assessment therefore are for the service as a whole rather than particular clinical disciplines.

The target timescale for initial assessments is:

Priority 1 (Urgent, high risk) 2 working days

Priority 2 (Soon, moderate risk) 2 weeks

Priority 3 (Routine, very low or no apparent risk) 4 weeks

The average wait for routine referrals as at the end of February 2017 was 27 days. 84% of initial assessments during the month of February were completed within agreed timescales.

Adult mental health

The adult mental health service receives referrals into the multi-disciplinary team rather than to individual consultants. This is in line with best practice and ensures the presenting problems and needs of the client are matched to the appropriate professional skills.

There is an on-call service which ensures that consultant input is available 24/7, 365 days a year.

The service receives three levels of referral:

Emergency Referral

The patient will be seen within 30 minutes by a mental health professional from the liaison mental health team who can contact the on-call consultant at all times.

Urgent Referrals

Urgent referrals will be seen within 24 to 72 hours depending on referral information.

Routine Referrals

A questionnaire opt-in form will be sent to the patient.

In February 2017, the average wait for routine referrals from the time the opt-in form was returned to the service to assessment was 13 days and the median wait was 11.5 days.

3.19 THE DEPUTY OF ST. OUVEN OF H.M. ATTORNEY GENERAL REGARDING THE LAWFULNESS OF CHARGES LEVIED BY TELECOMMUNICATIONS OPERATORS IN JERSEY: [1(158)]

Question

Is it lawful for a telecommunications operator in Jersey to make a charge to a customer if that customer wishes to settle a bill by a payment of legal tender?

Answer

Yes. As a general principle of law (and subject to any measures / conditions applied by CICRA/JCRA in the future), it is lawful for a telecommunications operator in Jersey to provide in its terms and conditions for itemised charges which relate to the method of billing and / or the method of payment.

In the instance to which the written question is directed, charges are understood to apply to the issue of paper (as opposed to electronic) bills and to payment methods other than direct debit. Paper bills and non-direct debit payment methods are understood to involve additional costs to the telecommunications operator which the additional charges may seek to defray.

The fact that a cash payment constitutes legal tender should not alter the above analysis. Other examples of differential pricing in the telecommunications sector can be found in the U.K. and in Jersey.

3.20 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE NUMBER OF REGISTRATION CARDS ISSUED UNDER THE CONTROL OF HOUSING AND WORK (JERSEY) LAW 2012: [1(159)]

Question

Will the Chief Minister advise members of the total number of people who have been issued with registration cards to date under the Control of Housing and Work (Jersey) Law 2012, since the Law came into effect, breaking down those numbers into first-time registrations and subsequent registrations, and providing the nationality and country of origin of those registered?

Answer

The figures in Table 1 below show all those people applying for registration cards under the Control of Housing and Work (Jersey) Law 2012, since the law came into effect on 1st July 2013, reported by nationality, and including seasonal staff.

Applying for a registration card does not mean people are new to the Island, as everyone needs a registration card when moving house or changing jobs. The below table is therefore not an analysis of new arrivals to Jersey.

These figures are published quarterly, and are available at:

<https://www.gov.je/pages/search.aspx?query=Population+Office+figures+>

When issuing cards we ask for an applicant's nationality, not country of origin.

Table 1: Applications for Registration Cards

Nationality	1/07/2013 - 31/12/2016
British (Jersey-Born in brackets)	48,338 (24,829)
Portuguese	9,362
Polish	5,337
Romanian	1,995
Irish	1,401
French	720
South African	408
Indian	343
Bulgarian	297
Latvian	282
Thai	265
Filipino	255
Italian	227
Hungarian	195
Spanish	187
German	172
Australian	163
Kenyan	163
Zimbabwean	156
Dutch	147
Canadian	116
American (USA)	100
Swedish	99
New Zealander	96
Slovak	80
Czech Republic	93
Pakistani	60
Russian	60
Brazilian	59
Lithuanian	56
Austrian	48
Chinese	48
Bangladeshi	47
Malaysian	41
Belgian	40
Mauritian	34
Slovenian	28
Swiss	28
Cypriot	26
Finnish	25
Egyptian	24

Greek	24
Venezuelan	23
Jamaican	22
Ugandan	22
Norwegian	21
Danish	20
Maltese	20
Sri Lankan	20
Turkish	19
Zambian	19
Malawian	17
Cuban	13
Ghanaian	12
Croatian	11
Estonian	11
Nigerian	11
Icelandic	10
Israeli	10
Moroccan	10
Singaporean	10
Tunisian	10
Mexican	9
Japanese	7
Argentine	6
Peruvian	6
Other Nationalities	317
Total	72,301

The figures in Table 2 below show all those people applying for registration cards under the Control of Housing and Work (Jersey) Law 2012 **as new arrivals** to the Island since the law came into effect on 1 July 2013, reported by nationality, and including seasonal staff.

Table 2: Applications for registration cards from new arrivals to Jersey

Nationality	1/07/2013 - 31/12/2016
British (Jersey-Born in brackets)	4030 (467)
Polish	1,462
Portuguese	1,313
Romanian	821
French	341
Irish	224
Bulgarian	140
South African	139
Indian	127
Spanish	110
Italian	108

Hungarian	88
Latvian	77
German	71
Dutch	68
Australian	62
Zimbabwean	61
Filipino	54
American (USA)	39
Canadian	39
Pakistani	36
New Zealander	32
Swedish	32
Czech Republic	35
Austrian	30
Lithuanian	27
Slovak	24
Chinese	18
Thai	18
Brazilian	17
Greek	17
Malaysian	16
Belgian	15
Mauritian	15
Bangladeshi	12
Cypriot	11
Swiss	11
Finnish	10
Kenyan	9
Slovenian	9
Maltese	8
Nigerian	8
Russian	8
Croatian	7
Estonian	7
Norwegian	7
Egyptian	6
Jamaican	6
Singaporean	6
Danish	5
Sri Lankan	5
Venezuelan	5
Other Nationalities	75
Total	9921

3.21 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING ECONOMIC INEQUALITY IN JERSEY: [1(160)]

Question

Will the Minister explain what measures of economic inequality the Council of Ministers uses and what those measures reveal about the current state of inequality in the Island; and will he further state what measures, if any, are being taken to reduce any such inequality?

Answer

After a period when income inequality was effected by the global economic crisis, as shown in the 'Jersey Household Income Distribution 2014/15 report', our economic performance is now improving - earnings are rising, unemployment is at a six year low, and relative low income is reducing.

The Council of Ministers continue to monitor this, using the full range of published statistics, including established indicators of inequality, such as income ratios and the Gini coefficient. This supports firm action to improve the lives of islanders, including doing more to improve the position of people across our society, especially the most disadvantaged, including:

- Prioritising education and focusing on providing children with the best start in life to improve outcomes, for example, the pupil premium will support children with the highest needs.
- Investing in health and social services to improve people's health and well-being, including their mental and physical health.
- Continuing to invest in infrastructure, including improving the people's standard of housing, for example - incorporating higher insulation standards to reduce tenant's heating costs; forthcoming legislation to improve private rental standards; and necessary investment in refurbishing our social housing to meet decent homes standards.

The Long Term Plan will also highlight these issues, using indicators which cover issues such as coping financially, average incomes, relative low income, rental stress, and housing affordability. This supports increasingly co-ordinated and targeted action supported by key metrics and measures.

3.22 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING SECONDARY SCHOOL TEACHERS IN JERSEY: [1(161)]

Question

Will the Minister, in respect of States of Jersey secondary school teachers:

- (a) provide a table showing headcount and turnover, broken down by support staff, teaching assistants and teachers (in both absolute and percentage terms), equivalent to that which was provided in relation to primary school teachers in information published on 26th January 2017 under the heading 'Primary school teaching staff turnover 2009 to 2016' in response to a Freedom of Information request; and
- (b) state when he will provide an answer to question 9598 on the number of secondary teachers teaching G.C.S.E. and A-level classes in subjects other than their specialist subjects?

Answer

(a)

September 2009 - August 2010				
Secondary School	Teachers	Teaching Assistants	Support Staff	Total
Grainville	9	3	1	13
Haute Vallée	8	3	1	12
Hautlieu	6		1	7
Jersey College for Girls	11		2	13
Le Rocquier	7	2	2	11
Les Quennevais	4	1		5
Victoria College	10		1	11
Total	55	9	8	72

September 2009 - August 2010				
Teachers	Teaching Assistants	Support Staff	Total	
19.6%	33.3%	5.3%	17.6%	
15.7%	33.3%	5.3%	15.2%	
10.5%		3.2%	8.0%	
16.9%		8.3%	14.4%	
11.3%	22.2%	7.4%	11.2%	
6.8%	25.0%		4.8%	
18.2%		5.6%	15.1%	
13.9%	28.1%	4.5%	11.9%	

September 2010 - August 2011				
Secondary School	Teachers	Teaching Assistants	Support Staff	Total
Grainville	3			3
Haute Vallée	5		3	8
Hautlieu	9		3	12
Jersey College for Girls	6		2	8
Le Rocquier	10		1	11
Les Quennevais	8	1	3	12
Victoria College	7		2	9
Total	48	1	14	63

September 2010 - August 2011				
Teachers	Teaching Assistants	Support Staff	Total	
7.0%			4.1%	
9.6%		16.7%	10.0%	
16.4%		10.0%	14.1%	
9.7%		8.3%	9.3%	
16.9%		3.7%	11.7%	
13.8%	33.3%	7.1%	11.7%	
13.2%		10.5%	12.5%	
12.6%	3.1%	7.8%	10.6%	

September 2011 - August 2012				
Secondary School	Teachers	Teaching Assistants	Support Staff	Total
Grainville	6		9	15
Haute Vallée	4	2	3	9
Hautlieu	6		10	16
Jersey College for Girls	6		2	8
Le Rocquier	5		17	22
Les Quennevais	9	1	2	12
Victoria College	8		2	10
Total	44	3	45	92

September 2011 - August 2012				
Teachers	Teaching Assistants	Support Staff	Total	
13.0%		45.0%	19.2%	
8.2%	22.2%	14.3%	11.4%	
10.5%		40.0%	19.5%	
9.7%		6.9%	8.8%	
8.5%		56.7%	22.9%	
16.1%	25.0%	4.7%	11.7%	
14.0%		10.0%	13.0%	
11.4%	9.4%	23.9%	15.2%	

September 2012 - August 2013				
Secondary School	Teachers	Teaching Assistants	Support Staff	Total
Grainville	5	4	13	22
Haute Vallée	3	5	12	20
Hautlieu	10		1	11
Jersey College for Girls	11			11
Le Rocquier	5	2	9	16
Les Quennevais	12		9	21
Victoria College	3			3
Total	49	11	44	104

September 2012 - August 2013				
Teachers	Teaching Assistants	Support Staff	Total	
12.2%	36.4%	61.9%	30.1%	
6.0%	62.5%	60.0%	25.6%	
17.2%		3.8%	13.1%	
17.5%			11.8%	
8.3%	20.0%	30.0%	16.0%	
22.6%		23.7%	21.0%	
5.6%			4.1%	
12.9%	28.9%	23.8%	17.3%	

September 2013 - August 2014				
Secondary School	Teachers	Teaching Assistants	Support Staff	Total
Grainville	4	4	6	14
Haute Vallée	6	1	7	14
Hautlieu	10		5	15
Jersey College for Girls	6		2	8
Le Rocquier	5	3	11	19
Les Quennevais	9	2	9	20
Victoria College	10		1	11
Total	50	10	41	101

September 2013 - August 2014				
Teachers	Teaching Assistants	Support Staff	Total	
9.8%	36.4%	31.6%	19.7%	
12.5%	11.1%	36.8%	18.4%	
15.9%		18.5%	16.7%	
9.8%		6.1%	8.5%	
8.5%	30.0%	35.5%	19.0%	
16.7%	22.2%	23.1%	19.6%	
18.5%		5.6%	14.9%	
13.2%	24.4%	22.0%	16.6%	

September 2014 - August 2015				
Secondary School	Teachers	Teaching Assistants	Support Staff	Total
Grainville	6	1	3	10
Haute Vallée	7	3	11	21
Hautlieu	5		2	7
Jersey College for Girls	12		1	13
Le Rocquier	9	3	13	25
Les Quennevais	4	1	6	11
Victoria College	6	1	2	9
Total	49	9	38	96

September 2014 - August 2015				
Teachers	Teaching Assistants	Support Staff	Total	
14.6%	8.3%	9.1%	11.6%	
15.2%	33.3%	31.4%	23.3%	
7.5%		4.5%	6.3%	
17.4%		2.8%	12.3%	
15.0%	23.1%	27.7%	20.8%	
7.8%	10.0%	11.3%	9.6%	
10.9%	50.0%	9.5%	11.5%	
12.6%	19.1%	14.1%	13.6%	

September 2015 - August 2016				
Secondary School	Teachers	Teaching Assistants	Support Staff	Total
Grainville	4	2	16	22
Haute Vallée	5	3	9	17
Hautlieu	7		4	11
Jersey College for Girls	10		3	13
Le Rocquier	8	4	18	30
Les Quennevais	10	3	6	19
Victoria College	10	1	2	13
Total	54	13	58	125

September 2015 - August 2016				
Teachers	Teaching Assistants	Support Staff	Total	
8.7%	15.4%	88.9%	28.6%	
10.2%	33.3%	37.5%	20.7%	
10.1%		15.4%	11.6%	
15.2%		9.4%	13.1%	
13.1%	23.5%	62.1%	28.0%	
19.2%	33.3%	37.5%	24.7%	
17.9%	100.0%	9.5%	16.7%	
13.5%	26.0%	34.9%	20.3%	

September 2016 - December 2016				
Secondary School	Teachers	Teaching Assistants	Support Staff	Total
Grainville		1		1
Haute Vallée		2	1	3
Hautlieu	1		3	4
Jersey College for Girls	1		2	3
Le Rocquier	1		1	2
Les Quennevais	3		2	5
Victoria College	3			3
Total	9	3	9	21

September 2016 - December 2016				
Teachers	Teaching Assistants	Support Staff	Total	
	7.1%		1.3%	
	28.6%	4.2%	3.8%	
1.5%		12.5%	4.3%	
1.5%		6.3%	3.0%	
1.6%		3.0%	1.9%	
5.7%		10.0%	6.3%	
4.9%			3.6%	
2.2%	7.1%	5.2%	3.4%	

(c) We do not have information about teachers working outside their specialist subject. This changes from week to week. It is not unusual for people to teach a second subject. It's in the gift of the head teachers to make choices about which staff are best placed to deliver the best education in their schools.

3.23 DEPUTY J.A. HILTON OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE COST OF INCOME SUPPORT: [1(162)]

Question

What has been the cost of Income Support payments for each year since the inception of the Income Support system until the present time?

Answer

The new Income Support system commenced on 28th January 2008. The table below sets out the costs of Income Support from 2008 to 2015, as stated in the Annual Accounts.

2016 accounts have been prepared, but are unaudited, so have been excluded from this answer.

Year	£'000
2008	76,171
2009	85,961
2010	87,802

2011	87,332
2012	88,841
2013	92,070
2014	85,117
2015	74,827

Note that the range of costs included in the Income Support budget has changed during this time. Transitional payments were included at the inception of the scheme which have reduced over time. Residential care costs were added to the scheme from 2009 and subsequently phased out during 2014 and 2015. Administrative costs are included within the totals for years prior to 2011.

4. Oral Questions

4.1 Deputy M. Tadier of St. Brelade of the Minister for Social Security regarding the impact of her Department's policies on households reliant upon income support: [1(163)]

Will the Minister confirm that, as a result of her department's policies since 2009, a family of 2 (a couple with one child) on income support is £45 per week worse off in real terms today than they were in 2009; and that the equivalent figure for a single-parent household is between £55 and £75?

Deputy S.J. Pinel of St. Clement (The Minister for Social Security):

The department's policies since 2009 have been to encourage low-income families to move towards financial independence. Since 2009, both couples and single parents have been able to keep substantially more of their own income under the income support calculation. In 2009, these households only kept 10 per cent of their income, today they keep 23 per cent. So I do not agree with the Deputy's calculations that ignore this important element of the income support calculation. Over this time, we have also increased the support available through the Back to Work teams for parents when their child starts nursery, helping parents to return to the workplace with the right support. The overall impact of these changes can be seen in the income support figures that the department has been publishing for the last 5 years in the Minister's report. These figures show that the average total income for lone parents has risen by £75 a week for a couple with children; their average total income has increased by £123 a week. Thank you.

4.1.1 Deputy M. Tadier:

Does the Minister accept that there are individuals and families in our society who, through no fault of their own, subsist entirely on income support without any other provision of private or separate income and that those individuals are not benefited by a 23 per cent disregard? Indeed, those on L.T.I.A. (Long-Term Incapacity Allowance) have had their disregard cast aside so they are even worse off. Does the Minister accept that these individuals in particular are worse off, given the fact that components have been frozen since 2009?

Deputy S.J. Pinel:

The Deputy is correct inasmuch as there are 800 households totally reliant on income support but this is out of a total of 6,194, so the things I mentioned in my opening remarks about the encouragement of Back to Work and encouragement towards financial independence is clearly working. **[Interruption]** Right, I will return to parent returners who have been very encouraged to go back to work when their child starts nursery. Although I agree with the Deputy that there are

some people who are on income support without any additional earned income, the numbers of people on income support in total are falling.

4.1.2 Deputy G.P. Southern of St. Helier:

Is it not the case that the policy of her department is to freeze the 2 components, the adult component and the child component, at the 2009 figures and they have not moved since then, despite the fact that R.P.I. (Retail Price Index), the inflation over the last period, has risen by 16.8 per cent?

Deputy S.J. Pinel:

Yes, those figures have been frozen but in that time we have introduced, as I mentioned earlier, the increase in the 23 per cent disregard on any earned income which has been extraordinarily helpful in balancing out those figures but, yes, they have been frozen.

4.1.3 Deputy G.P. Southern:

The move to 23 per cent disregard on earned income has been equally fixed since 2010. It has not moved since 2010. Is that also not the case and that inflation is eating away even at that?

Deputy S.J. Pinel:

As I mentioned earlier again, the disregard or incentive, whichever way you want to call it, was 10 per cent in 2009. It was introduced originally at 6 per cent, 10 per cent in 2009 and 23 per cent in 2016.

Deputy G.P. Southern:

Would the Minister care to answer the question? Is it not the case that it has been 23 per cent since 2010 and that disregard has also been frozen during this period?

Deputy S.J. Pinel:

The disregard of 23 per cent has been in effect for, yes, about 4 years, I think, and we are hoping very much to be able to increase that, so we are looking at it within the income support review.

4.1.4 Deputy S.Y. Mézec of St. Helier:

Knowing what we now know because of the Income Distribution report and the levels of poverty there are in this Island, does the Minister believe that the rate of the adult and child components of income support in 2009 was too generous at the time and is it deliberately her department's policy to reduce the value of income support for those people in our society?

Deputy S.J. Pinel:

No, of course it is not a deliberate policy to reduce support but, as everybody is very well aware, there had to be some savings across income support and not just on those 2 components. It must be remembered that the rental component, along with the childcare component, increased.

4.1.5 Deputy S.Y. Mézec:

In an earlier answer, the Minister said that part of the reason for these cuts and these freezes is to encourage people to be financially independent. Does she accept that the clear implication behind that statement is that it sounds like she is suggesting that being poor is a choice? Does she accept that that implication is quite distasteful?

Deputy S.J. Pinel:

There was never such implication until we introduced the now extraordinarily successful Back to Work scheme. People did not often have a choice. If they had not worked for a long time, they

may have not got the skills to move back into work which Back to Work now does in all sorts of varying ways and incentives and encouragement. I think before we had Back to Work then it was a problem with people not being able to work.

4.1.6 Deputy M. Tadier:

I thank the Minister and I hope that the 800 people on income support who are entirely reliant on that, 800 households in Jersey, will remember the words of the Chief Minister at the beginning of 2015 when he talked about poverty. As a member of his Council of Ministers, one would hope that the Minister for Social Security will also be taking action to help those 800 who have no income to be disregarded. But does the Minister accept that R.P.I. over the period has been 16.8 per cent and that the income has been reduced if you compound it by £41 to £42 for a week for a couple with one child and that what this is doing is further encouraging and perpetuating the poverty of these 800 households who are potentially the most impoverished in Jersey?

Deputy S.J. Pinel:

Yes, of course, I totally agree with the Deputy and we will continue to work to get people into work who can work. Not everybody can. I do not think Question Time really is the time for dishing out a long list of figures but I have some figures that I could give to the Deputy if he would like. Thank you.

4.2 Deputy M.R. Higgins of St. Helier of H.M. Solicitor General regarding the responsibilities of H.M. Attorney General for prosecutions in the Island: [1(137)]

Does H.M. Attorney General consider that he is the sole prosecuting authority in the Island and, if so, what arrangements are in place to supervise decisions to prosecute in the Magistrate's Court taken by States departments?

Mr. M.H. Temple Q.C., H.M. Solicitor General (Rapporteur):

Her Majesty's Attorney General is ultimately responsible for all prosecution decisions made in the Island. The Attorney General, lawyers in the Law Officers' Department, and Centeniers make decisions to prosecute, not States departments. Guidance issued to all States departments in respect of potential breaches of laws and regulations that fall within their competencies and on the process to be followed in such cases is published on the Law Officers' Department website.

[11:15]

As the previous Attorney General said in response to a similar question from Deputy Higgins in December 2014, the guidance makes it clear that all matters considered appropriate for prosecution should be referred to the Law Officers' Department for the department to check whether a prosecution should be brought. The only exception to that practice is in relation to marine resources cases where, owing to the urgency of those matters and the familiarity of Centeniers with them, charges sometimes need to be laid without recourse to the Law Officers' Department for advice but that is the only exemption.

4.2.1 Deputy M.R. Higgins:

Will the Solicitor General advise the States whether that has always been the case and whether the Environment Department went direct to the Magistrate's Court and the Centenier as opposed to going through the Law Officers' Department?

The Solicitor General:

I think the Deputy is referring to 2 specific cases which were dealt with in the answer of the previous Attorney General in December 2014. I can read from that answer where the previous Attorney General said that he is aware that there were 2 instances of proceedings being started in the Magistrate's Court, one in 2012 and one in 2013, as a result of a direct approach by officials from the Planning and Environment Department to the Honorary Police. Both cases were dealt with initially by a Centenier in the Magistrate's Court, both defendants pleaded not guilty, and the matter was referred to the legal advisers at Police Headquarters, which is part of the Attorney General's Department, who subsequently handled the cases on the Attorney General's behalf. In one case, the charges were dropped and the other, the defendant changed his plea to guilty. Again, repeating from that previous answer given, as a result of these cases guidance was given to the Honorary Police that they should ensure that advice has been given on the Attorney General's behalf by a legal adviser before charging any cases which have been referred to them by States departments. The Attorney General then said: "I have no reason to believe that this practice is not being followed in all such cases" and that is my belief today, 3 years later.

4.2.2 Deputy M.R. Higgins:

Just a point of clarification from the Solicitor General. One of the cases that pleaded not guilty led to the person being convicted of a criminal matter which was subsequently appealed in the Royal Court and led to the quashing of the conviction as being unsafe. Is that not the case?

The Solicitor General:

That case, which I am aware of, yes, the conviction was subsequently overturned in the Royal Court and I believe that there are civil proceedings that have been issued in relation to that case and it would not be appropriate for me to comment on those proceedings as they are *sub judice*.

4.3 Deputy G.P. Southern of the Minister for Education regarding changes in primary school teacher turnover rates and overall primary school staffing numbers: [1(164)]

Will the Minister explain the changes since 2009 in primary school teacher turnover rates and, over the last 3 years, in overall primary school staffing numbers?

Deputy R.G. Bryans of St. Helier (The Minister for Education):

Thank you to the Deputy. I think the figures, the turnover rates and the staffing rates, are well illustrated in the written answer that was provided to the Deputy that Members might want to look at. But to articulate a couple of reasons for the turnover moving within departments, we had a head teacher who retired some time ago and then subsequently another head teacher moved into her role and then the deputy moved into that head teacher's role, and so there were about 6 movements just related to that one retirement and that is a real illustration of how these figures can be articulated. Equally, there is another reason which is right at the top, the other employments in Jersey. Obviously, the teachers are moving away from teaching, occasionally looking for other jobs. I saw one recently I had known for some time and I had asked him why he had moved away and he said it was because his skillset, he felt, was better served within the finance sector. It was something to do with the digital world, so that is a good thing in some respects. Equally, what figures do not particularly show is the movement from state schools to private schools, so moving to Beaulieu or FCJ or St. George's or St. Michael's, so that gives some sort of illustration as to why we have the fluctuations. With regard to staffing levels, we are fully staffed at the moment with regard to primary schools. That is all, thank you.

4.3.1 Deputy G.P. Southern:

The Minister says that it is difficult to draw comparisons with the U.K. rates but the material I have been viewing suggests a turnover rate of around 10 per cent and consistently these figures are over, and in some cases well over, 10 per cent. Does the Minister have any explanation why these should be so different?

Deputy R.G. Bryans:

Yes, the U.K. rates do not take into account the free schools and the new academies, so there is a distortion there in which case you would consider those, having looked at the information provided by the unions on some of the websites, it would be not dissimilar from what we have here. But we do have a different turnover rate because we are an Island. If you wanted to move around schools in Jersey, it is quite simple because you generally live in a place that is quite close to all the schools on the Island, whereas in the U.K. if you were moving, you would have to consider moving from, say, Manchester to Taunton, so it is a completely different concept in terms of moving families. But as a real illustration, I rang some heads in lieu of this question on what were their thoughts about this particular thing and there was a commonality between them all. They said the reasons for people moving around were things like maternity; that was not kind of illustrated. One of the heads I spoke to has had just recently had 2 people in, one is maternity leave, the other is somebody who has decided they now want to travel around the world, so there are going to be differences. One head I spoke to said that when she became head of a new school it was a new regime, there was a new sense of a different culture at that point in time. Some of the teachers then thought that was not the sort of culture that they wanted and they moved on. So these things do happen but I think it is quite a healthy thing. We have got a situation where sometimes teachers stay in schools for far too long and we need fresh blood and new ideas.

4.3.2 Deputy A.D. Lewis of St. Helier:

I wonder if the Minister could answer: did his figures illustrate the move from one school to another within our own network? The Minister also mentioned the moving around between schools is perhaps a beneficial thing and I wonder if the Minister could tell us if there is any attempt within professional development spheres to move our teaching staff within the schools we currently have so that teachers are not staying in one school for too long and benefiting from new experiences in the same jurisdiction. Would that help retention and is it something the department is doing?

Deputy R.G. Bryans:

Yes, in answer to that question, one of the heads I spoke to said it is a double-edged sword. They send their teachers on training, we have got leadership training that goes on now, and they are very proud to say that at some point in time some of their teachers move through a career progression to become deputy heads or heads themselves. Of course, it is a double-edged sword because they are losing somebody, a really good individual within the school, so that is a problem in itself. With regard to are we saying to teachers or the heads: "We would like you to move from school to school", no we do not do that but we do suggest that there is a career progression available to them.

4.3.3 Deputy A.D. Lewis:

A supplementary? Does the Minister not think that would be a good idea, rather than having a teacher at one school for perhaps 25 years which is the case in some instances, which is good in some respects, to move staff around so they develop perhaps new skills in different types of schools as you would do perhaps in many businesses? Thank you.

Deputy R.G. Bryans:

It is about maintaining some sort of balance. The reason some heads prefer to keep teachers in their schools is because it gives continuity to the children, certainly moving through a primary school. I understand what the Deputy is relating to and I think there is an element of that. As I say, the head

who spoke to me about the fact that she had lost some really good people recently does show that it is beginning to happen, certainly with the leadership training that we have offered. But we have not put in place anything that the Deputy has suggested but I will consider that. Thank you.

4.3.4 Deputy M. Tadier:

We all appreciate there will be fluctuations in staff turnover at primary schools but where there are perennial issues of constant turnover over a long period of time, does the department look at what the underlying reasons are for that, identify the schools that may have these trends, and have an action plan to deal with it?

Deputy R.G. Bryans:

The very simple answer to that is, yes, we do.

4.3.5 Deputy M. Tadier:

A supplementary, could the Minister circulate the detailed policy with regard to that then?

Deputy R.G. Bryans:

It is not necessarily a policy. What we do is we make sure that we have got a very tight contact with all schools, we are aware of everything that happens in relation to the turnover of the schools and, where necessary, the Chief Officer will then look at that particular situation and resolve it in his own way. Thank you.

4.3.6 Deputy G.P. Southern:

My eye is drawn to the top of the reasons for leaving the teaching profession: going to other employment in Jersey at 21.7 per cent of leavers suggesting that, what research has the Minister done as to the causes for leaving to go to another profession? To what extent is that related to stress within teaching and is it related to pay within teaching?

Deputy R.G. Bryans:

I do not think we have done a detailed study of that. I think the Deputy himself was previously a teacher, as was I, and we both moved into other employment so there are all various kinds of reasons why people move around, particularly on this Island. Sorry, could the Deputy just repeat the second bit of his question?

Deputy G.P. Southern:

To what extent is the top of the table due to stress within the profession or pay?

Deputy R.G. Bryans:

As far as I am aware and, again, just doing this quick poll of the head teachers and talking to teachers as I have been going around on my annual visits, it does not relate to either stress or pay, the top part. You can see as you go down through the reasons for moving around is that there is ill health which I think would take account for that, which is quite low in terms of its number, so the top figure, it does not relate to that. As I say, it also includes movement from state schools into private schools. Thank you.

4.4 Deputy J.A. Martin of St. Helier of the Chairman of the Comité des Connétables regarding the management of elections for Deputies in the districts agreed by the Assembly: [1(138)]

What discussions, if any, has the Comité had about how elections for Deputies will be managed in the new districts agreed by the Assembly, and what plans, if any, have been put together as a result? Thank you.

The Connétable of St. Clement (Chairman, Comité des Connétables):

The Comité has not yet discussed how these elections will be managed but initial discussions have taken place between Parish officials and the States Greffe and subsequently there will be brought forward the required changes to the Public Elections Law for approval by this Assembly. But before this happens, discussions will need to take place with the Judicial Greffe and the Jurats of course who are the Autorisés and therefore responsible for the conduct of the election.

4.4.1 Deputy J.A. Martin:

Well today there has been something lodged which says: “We will maintain Parish base on the large districts”, so is the Comité Chair saying that they have not discussed this around the Comité itself, who I think will still be running the elections?

The Connétable of St. Clement:

No, as I said, the Comité have not yet discussed it. The running of the election is the responsibility of the Judicial Greffe and the Autorisés, I understand. They are certainly assisted by the Connétables. The Connétables do have a role but the election is run by the Autorisés.

4.4.2 Deputy R. Labey of St. Helier:

I wonder if the Chairman could tell us if he envisages nominations meetings in constituencies consisting of more than one Parish having to be held in one place or could you have nominations meetings in each Parish still at the same time?

The Connétable of St. Clement:

The Deputy is asking me to speculate. I suspect that there will be one nomination meeting for each constituency as there is currently for Senators where the nomination meeting takes place by law in the Parish of St. Helier. The Constables elections take place in the individual Parish Halls and I imagine a venue will be found within the districts of the new constituencies for nomination meetings to take place. That may be the Parish Hall, it may be a school, it may be some other place but that is a matter which the States will decide in due course.

4.4.3 Senator S.C. Ferguson:

Following on from that, would the Connétable as Chairman of P.P.C. (Privileges and Procedures Committee) like to recommend to the Comité des Connétables that voters may vote in, well, for instance, myself? Will I be able to vote in St. Ouen, St. Peter or St. Brelade?

The Connétable of St. Clement:

That is very much a matter for management of the election and it would be far too early for me to speculate on whether that would be practical or safe.

[11:30]

The Bailiff:

I am quite sure you will only be allowed to vote once, Senator. **[Laughter]**

Senator S.C. Ferguson:

A supplementary? Well it might be quite fun trying.

4.4.4 Deputy A.D. Lewis:

Would I be correct in asking the Chairman that an aspiration of P.P.C. is to enable electronic voting at some point so one can vote at any polling station in any jurisdiction once you are on an electoral roll? Is that still an aspiration of P.P.C. and would that help resolve a number of these issues that may occur as the electoral changes begin to fall into place? So, is that an aspiration of his committee to move forward and how far has he got with it thus far?

The Connétable of St. Clement:

Am I permitted to change hats halfway through a question because I am answering this question as the Chairman of the Comité des Connétables not the Chairman of the Privileges and Procedures Committee? But the answer is, yes, our policy and our aspirations have not changed and we are looking forward to the work of Deputy Wickenden and his team to come forward in due course with something again which is practical but, most importantly, as far as I am concerned, secure.

4.4.5 Deputy R.J. Renouf of St. Ouen:

Does the Chairman have a view on who should pay for the costs of running these elections in the large new districts, is it to be funded centrally or is it to be funded by the Parishes? If the latter, does the Connétable have a view or does he foresee difficulties on how the costs may be apportioned between the Parishes comprising a single electoral area?

The Connétable of St. Clement:

This is a personal view which I feel will be shared by my fellow Connétables, is that currently the Senatorial elections are funded essentially by the taxpayer, the election for Connétables and Deputies is funded by the Parish and there is a logic to that. I suspect that the election for Senator will continue to be funded by the taxpayer, the election for Connétable will be funded by the Parish, the ratepayer, but I do think - and this is a personal view, as I say, which we have not discussed or decided upon yet or to make recommendations upon - the funding of the new Deputies which are no longer Parish Deputies should be funded by the taxpayer.

4.4.6 Deputy G.P. Southern:

When will the Connétable, with his hat on as Chairman of Comité des Connétables, come to this House with some provisional arrangements about the coming election, either with his Constable's hat on or with P.P.C.'s hat on or having talked to the Greffe in terms of organisation? When are we likely to see any outline about how we are going to proceed?

The Connétable of St. Clement:

I imagine that would be a few months away. A lot will depend on whether we approve our proposition later on in this sitting for referenda but it needs to be sorted out. I would have thought by the autumn so that the education programme for electors can take place, the vote.je programme, and so on because whatever changes are made, they are going to impact on the electorate. We will need to explain very carefully how the new system, whatever it might be, is working, so we will need time to get that in place, so, therefore, I would have thought by the autumn would be a target date.

4.4.7 Deputy J.A. Martin:

It is quite disappointing to hear that very limited meetings being taken when we are just under a year away from the nominations; we do not even know where they will be held. So, how much does the Comité Chairman put on the urgency to get this sorted? Like Deputy Southern, I want to know the arrangement before I pass the States of Jersey Law. Would the Chair of the Comité not say, if this does remain Parish-based, in all likelihood in the districts you will have St. Clement, St. Saviour and St. Brelade people always winning because they are bigger by the numbers that can elect the people? You cannot change the system and maintain your Parish bases. Thank you.

The Bailiff:

I am not sure what the question is, Deputy.

Deputy J.A. Martin:

Well one was about how much urgency and does he not agree about the size of the Parishes? If they remain Parish-based, in the districts they will out-vote the other 3 or 4 in that district and does he think that is fair?

The Bailiff:

How much urgency and is it fair, Connétable?

The Connétable of St. Clement:

The penny has finally dropped, has it not? The penny has finally dropped. We have decided to implement large constituencies based on Parish boundaries. Some Parishes are larger than other Parishes, therefore, their voters will have a greater say in who the Deputies are in this place than the smaller Parishes. That is a fact, that is something we must have realised 4 or 5 weeks ago when we made that decision, and we still made that decision. That is a matter of physical fact and nothing I can do about it. As to the matter of urgency, I hope the Deputy will remember, it is only about 5, maybe 6 weeks ago, that we made the decision. To say that we have got to put the plans and the management in place before we approve the States of Jersey Law is putting the cart before the horse. We need to have a States of Jersey Law amended so we know for certainty what the arrangements are going to be next May. P.P.C. have lodged today the first part of the change in the constituencies in the States of Jersey Law, that will be debated in 6 weeks' time. Following on from that if that is approved, we will come to the changes to the Public Elections Law, which is slightly more complicated, to be done. But we have got to know if the States are or are not going to change their minds, which happens so often in these issues of reform, before we can put the plans into place. As I say, it is not at the end of the day totally for the P.P.C. or the Connétables or indeed the Assembly but the people who manage the election are the Autorisés who are free of political interference. That is another important thing which you must remember when we are talking about the management of elections.

The Bailiff:

We would normally come to question 5 but the President of the Assembly is adopting a policy to assist a breast-feeding mother in her return to work and that is going further down the list. We now come to question 6 which Deputy Mézec will ask of the Minister for Housing.

4.5 Deputy S.Y. Mézec of the Minister for Housing regarding the prospect of banning letting agent fees: [1(170)]

Why has the Minister chosen to consult on banning letting agent fees when there is already evidence to suggest they are sometimes charged inappropriately, rather than simply banning them now and instead consulting on reforming other aspects of the letting market?

Deputy A.E. Pryke of Trinity (The Minister for Housing):

I have chosen to consult on banning letting agency fees for tenants because doing so without a detailed evidence base would not be good policy-making.

4.5.1 Deputy S.Y. Mézec:

Is it not the case then that there will be a period of several months where tenants will continue to be charged these fees inappropriately when everybody at the end of the day knows that the writing is on the wall and that it is inappropriate to have these charges? They have been banned in the U.K. Nobody, I think, anticipates that the consultation will not come to the conclusion that they should be banned here. Is it not a better use of government and taxpayer time and money to just get on with it rather than having a lengthy consultation when we pretty much know what the outcome of at least that element of it is going to be?

The Deputy of Trinity:

The Deputy is making an assumption but I understand that in some instances fees do not reflect the reasonable cost. But it is good to have good evidence behind because it is not just on letting fees that I am consulting but other areas such as customer service, repairs and maintenance and tenancy management, so all those I can deal with in one go.

4.5.2 Deputy M. Tadier:

Are there other fees which do not simply apply to letting agencies which the Minister would be happy to ban outright such as contract or lease agreement fees for printing? The Residential Tenancy Law states that everybody has the right to request as a tenant to have a written lease, yet, the landlord has a right to charge for the issue of that lease. Does that not seem something of a nonsense, given the fact that if you have a right to it, surely it should be done for free and it is not reasonable for somebody to say: “Well, look, there you go, there is your lease but you owe me £100 for the printing of it”? Are there certain things like that which the Minister would be quite comfortable to bring to the States Assembly without necessarily consulting on?

The Deputy of Trinity:

I think it always is good policy to consult both on the landlords and the tenants and also to be totally aware of the effects that it may have. We need to go in with our eyes fully open so that is why the review is important, and I am not one to make policy on the hoof.

4.5.3 Deputy M. Tadier:

In that regard then would the Minister consider consulting also on the point that I have just raised in raising that issue with officers?

The Deputy of Trinity:

Which point was the Deputy specifically asking me to do?

Deputy M. Tadier:

It is the fact that a tenant can be entitled to have a lease given to him or her but the landlord can charge for the production of that written agreement.

The Deputy of Trinity:

It is part of the Tenancy Agreement Law, if I remember rightly, that a tenant has to have a full lease and there has to be photographs taken of what the place looks like, and the tenant to put the deposit in the “mydeposit” scheme. But I will look at what the Deputy is asking me to do.

4.5.4 Connétable C.H. Taylor of St. John:

Does the Minister agree with me when I say that the task of letting some properties nowadays is so complex and enormous because of all the rules and regulations, deposit agreements, *et cetera*, that you have to have, that in many cases it is much simpler to go through a professional who can do all the jobs for you?

The Deputy of Trinity:

That might be the case and that is why it is important that this review is done appropriately in asking everyone for their comments, and having evidence to back that up. But I am sure the Constable will agree that I want a private sector that is open, transparent and fair, and that everyone is aware of the costs that are involved; and also understand that there are good landlords as well as good tenants.

4.5.5 Deputy G.P. Southern:

I think perhaps the emphasis from my colleague, Deputy Tadier, was does the Minister consider that we ought to regulate the charges that might be charged for the production of a lease for the tenant, and that it is possible that fees charged to produce that agreement may well be exorbitant in some cases.

The Deputy of Trinity:

Yes, I have had some evidence. The Deputy has given me some evidence, but I need the full evidence to know both sides and to be able to make a good policy decision. If there is enough evidence to show that we need to ban the letting fees I understand that can be done quite swiftly.

4.5.6 Deputy G.P. Southern:

The specific question is the production of the lease, which is the right of the tenant to see, could be charged at a rate which is not commensurate with the cost of copying that lease. Is it the case that the Minister is minded to legislate to make sure exorbitant fees are not charged in this particular way?

The Deputy of Trinity:

I thought I made that clear. It is something that I am definitely looking at but until I get the evidence to show that it is inappropriate it would be wrong for me to comment on one way or the other.

4.5.7 Senator S.C. Ferguson:

These leases for renting property are fairly simple and fairly straightforward for the sort of level of letting that is going on. Is the Minister going to look at the cost of these, which presumably is coming because of legal costs, and is she going to look at reducing the regulations required tied up with letting property? It seems that it is getting far too complicated, far too expensive, and is it not time she looked at simplifying it?

The Deputy of Trinity:

I am all for making things as simple as possible, and on the Strategic Housing Unit website there is a very simple form of how to do a lease and there is a template there, so some of the work is already done. With this review I will have the evidence and we can make a good policy decision, but I understand the Senator's concerns about too much regulation.

[11:45]

4.5.8 Deputy S.Y. Mézec:

In an earlier answer the Minister said that I was making an assumption and of course she is right, I am assuming that common sense will prevail at the end of the day, I know that I can be naïve like that sometimes. Does the Minister accept that the potential impact of this consultation can be diluted when it does not focus on the real areas of contention and instead is open to other areas where the writing is on the wall? Letting agent fees for tenants have been banned in the U.K. and they are not consistent with the principles of the market because they are a fee that goes to somebody who has no choice to go somewhere else where they can get a better service at a lower

cost, the choice only applies to the landlords. Does she not accept that on a point of principle it would make more sense to ban those fees now and instead focus consultation on the more contentious elements of the letting market so that the time and resource can be better spent?

The Deputy of Trinity:

No. As I said, a review has gone out, it would be totally inappropriate for me to take a section of that review out now before it is finished. I know the Deputy has great concerns and I hope he has filled in the consultation and put his evidence forward so that a good policy decision can be made. If it needs to be done quite swiftly afterwards I understand that I can do it by an order.

4.6 Connétable A.S. Crowcroft of St. Helier of the Minister for Treasury and Resources regarding whether Ports of Jersey had entered into any leases with Jersey Gas as part of the relocation of the Island's gas supply infrastructure: [1(166)]

Will the Minister advise whether Ports of Jersey have entered into leases with Jersey Gas as part of the relocation of the Island's gas supply infrastructure from the north of St. Helier to the harbour area?

Senator A.J.H. Maclean (The Minister for Treasury and Resources):

I have asked my Assistant Minister to answer this question and also question 9, because these are areas that he has delegated responsibility for.

Connétable J.M. Refault of St. Peter (Assistant Minister for Treasury and Resources - rapporteur):

Ports of Jersey Limited have advised me that on 23rd December 2016 they did enter into a 20-year lease with the Jersey Gas Company for an area of land at La Collette. This measured approximately 28,000 square feet and was referred to in the lease as site LC24. I am further advised by the Ports of Jersey that Jersey Gas are developing the land in accordance with the planning permit, P/2016/1215.

4.6.1 The Connétable of St. Helier:

Have Ports of Jersey consulted with the Department for Infrastructure, the Planning Department, or the Parish of St. Helier over the implications over this 20-year lease in the long term planning of the La Collette reclamation site?

The Connétable of St. Peter:

We do not have responsibility for the operations of Jersey Gas, and I do not know whether they have engaged with any of those authorities, but clearly I can confirm they have engaged with Planning, because there is a current permit in place with Planning.

4.6.2 Senator S.C. Ferguson:

Have the department, or the Ports of Jersey, considered the safety area? We already have a safety zone arising from Buncefield, and obviously this - Jersey Gas - there are safety implications. Have these been considered?

The Connétable of St. Peter:

I do not think it is a matter for Ports of Jersey to consider that, but certainly the site that is being proposed is on the most southern point, which is further out to sea than the current Buncefield blast area zone so, therefore, it is more contiguous with the fuel unloading bay from the fuel tanker that comes in. So, on that basis, it would already have been incorporated within the Buncefield site anyway.

4.6.3 The Connétable of St. Helier:

Well, I do not know whether this is a surprise to all Members, it certainly was a surprise to me when I found out about it. Could I ask the Assistant Minister to request the Ports of Jersey a more transparent approach to its activities, not only in St. Helier but around the Island, so that States Members know what is going on; particularly, as I say, with regard to the future of La Collette which, clearly, is a matter of great interest to the Parish and to the deputies who report to their constituents.

The Connétable of St. Peter:

I can certainly do that, but also as a fellow Connétable I know that one of the roles that we carry out in St. Peter's Parish - along with, I am sure, many other Parishes - is when planning applications come in for our Parish we look at them straightaway to see what impact they may well have on the Parish. We are proactive in that regard and I would encourage the Constable of St. Helier to do likewise. With regard to the wider implications for the ports: yes, there may well be some wider implications which have not yet been assessed. I will certainly work with the Constable of St. Helier to try and see if we can ascertain exactly what their intentions are. If one looks at the plan that is already in place it looks no more than a simple garage forecourt type delivery system that they have got proposed for that site.

Senator P.F.C. Ozouf:

Sir, you said no more supplementaries, but there were just 3?

The Bailiff:

I just asked the Connétable for the final supplementary, you put your light on earlier and then you shook your head, as I understood it you did not want to ask a question.

Senator P.F.C. Ozouf:

That is why I put my light on after you said supplementary because I did not realise you were going to cut it short.

The Bailiff:

I was not cutting it short, we have been to the final supplementary.

Senator P.F.C. Ozouf:

There were only 3 questions asked.

The Bailiff:

Nobody was showing that they wished to ask a question, Senator.

4.7 The Connétable of St. Helier of the Minister for Environment regarding the Department's policy in respect of the use of brownfield sites: [1(167)]

Will the Minister advise whether it his department's policy to use brownfield sites for the provision of new homes in St. Helier, rather than building on amenity space? If so, will he agree to encourage the release of such sites as the Le Masurier land in Bath Street, the site of the former theatre in Royal Crescent, and other similar sites, for development?

Deputy S.G. Luce of St. Martin (The Minister for Environment):

The policies for the development of land here in Jersey are set out in the Island Plan, which is approved by this Assembly. It is these that are used by the Planning Committee and my

department, under delegated powers, to determine planning applications. These policies do indeed encourage and support the better use of brownfield land in the built-up area, while also seeking to protect valuable amenity space in St. Helier. There is a strong presumption in favour of the redevelopment of brownfield land. I have also issued and developed master plans and supplementary planning guidance to support and catalyse the regeneration of areas of the town and specific sites, including the North of Town Masterplan and a development brief for the Le Masurier land in Bath Street. This has already encouraged other landowners in this area at sites such as Jersey Gas, the BOA Warehouse and Ann Street Brewery, to bring forward development schemes for new homes on brownfield sites.

4.7.1 The Connétable of St. Helier:

I wonder whether the Minister does have a view about the site of the former theatre in Royal Crescent, which perhaps has not been on the radar of his department. It clearly, aesthetically, is a site that could well be restored and provide useful housing, would he agree?

The Deputy of St. Martin:

I have said a number of times, publicly, that I think that the use of surface-level parking is the worst possible use of land in the built-up area and specifically in St. Helier and I would look forward to working with the Constable to try to find ways to encourage owners of surface-level car parks to develop for the benefit of everybody.

4.7.2 Senator S.C. Ferguson:

Is the Minister for Planning aware - I hope he is anyway - that the Royal Crescent site is used significantly for parking and what alternatives would he be offering residents, who have to try and find somewhere to put their cars in the middle of town?

The Deputy of St. Martin:

The Minister for Environment has quite recently received an application for quite a large car park not very far from that site, and I would hope that people, who might be displaced, could possibly go there. But the building of a structure on a surface-level car park does not necessarily mean, of course, that the cars on that site go anyway, it is just the principle of surface-level and nothing else. You could build on top of those cars and maintain the car parking space.

4.7.3 The Connétable of St. Helier:

How does the Minister's policy on amenity space being protected in the Island Plan square with the encouragement his officers have given to Andium Homes in their pursuit of an approved scheme for La Collette low rise where public amenity space and very important urban trees are being built upon? **[Approbation]**

The Deputy of St. Martin:

As the Constable will know, and I am sure Members will know, planning is never straightforward and it is also always a question of balancing policies against each other. When it comes to brownfield sites, such as La Collette, it is very much a question of taking a step back to take 2 steps forward; or in La Collette's case, taking very many steps forward. We have plans which will, initially, I agree, remove a few trees and some green area, but replace it with more square footage, but most importantly will replace 159 flats of the best possible quality. At the moment we have tenants living in accommodation, which is just not good enough. We should be ashamed of having people in such accommodation. We are trying our best to replace it and we need to be able to get on and do that work. But, I would say to the Constable: this scheme does deliver in the end more open, more green, more amenity space. Not all the trees are being lost and while I accept that

certain green areas will go, we are replacing with others, and with planning it is always a question of a compromise and in this case I feel the outcome will be better than we have currently.

4.7.4 The Connétable of St. Helier:

Could I just ask the Minister to confirm that the amenity space being provided as part of this scheme will be private amenity space and it is replacing public amenity space, publically accessible grass and trees, and that is what cannot be replaced in this scheme?

The Deputy of St. Martin:

I am not aware of that, but I will find out and report to the Constable.

4.8 Deputy J.A. Martin of the Minister for Treasury and Resources regarding operating losses of JT on its subsidy for senior citizens: [1(139)]

Further to the answers he provided at the last meeting, will the Minister, as the shareholder representative, explain how J.T. (Jersey Telecom) faces an operating loss of approximately £1.2 million each year on its subsidies for senior citizens?

The Connétable of St. Peter (Assistant Minister for Treasury and Resources - rapporteur):

J.T. advised that just over 9,000 of their standard exchange lines in Jersey benefit from an age-related discount, known as the Prime Talk tariff. This is charged at £2.25 per month, instead of the standard £13.50 per month, which is a discount of £11.25 per month, or just over 83 per cent. The calculation of the subsidies, therefore: 9,305 lines multiplied by £11.25 discount, multiplied by 12, which adds up to £1,256,175. Thank you.

4.8.1 Deputy J.A. Martin:

Does the Assistant Minister not agree that it is quite a stretch for Jersey Telecom to say this is an operating loss when it - at least twice in my lifetime in the States - has been a decision by the States to keep the subsidy and it is a discount? I am confused with the discount, but they now call it an operational loss. This is where the confusion is. Is it not a bit of a double-talk?

The Connétable of St. Peter:

The Deputy raises a very good point. No, it is not double-talk, but it is a complex argument. The issue for J.T. is that they are compelled to maintain this discount, which is totally ignored when C.I.C.R.A. (Channel Islands Competition and Regulatory Authorities) look at the cost of their fixed-line network. Of course their fixed-line network currently loses about £3.5 million per year overall, including the Prime Talk, but C.I.C.R.A. will not take into account the fact that they have given this large subsidy to 9,000 people. As I say, it is a complex figure, but this is why it is a loss which is against their bottom line, and they have to create other forms of income to provide this cheap service to Prime Talk customers.

4.8.2 Deputy G.P. Southern:

Does the Minister not agree that it is up to this House - and the Minister for Treasury and Resources in particular - to set social policy in terms of subsidies for whatever service, and the company's responsibility not to find charges here, there and everywhere in order to compensate for social policy?

The Connétable of St. Peter:

Yes, the Deputy is absolutely right; it is up to this House to set social policy. However, this House also agreed in 2003 to divest itself of Jersey Telecom, as a States-run entity, and make it a corporate body to act commercially in a commercial world and that it could fund its own costs.

That is what it is trying to do, but there are some elements now which are giving them problems, in particular the recent and well-publicised C.I.C.R.A. decision on the cost of their fixed-line network.

4.8.3 Deputy G.P. Southern:

Is the Assistant Minister saying that it is time to change the policy on social support of this particular service, or not?

The Connétable of St. Peter:

No, I am not saying that at all. I understand there are many people on Prime Talk who do need to have that attractive discount; equally, there are many others that enjoy it that do not need it. The issue is one which has been imposed upon us as the shareholder function and J.T. via the C.I.C.R.A. decision, and it is up to us, working with J.T., to try and improve the position with C.I.C.R.A. so this does not become an issue for J.T. in the future.

[12:00]

4.8.4 Senator S.C. Ferguson:

Yes, most of the people who get this subsidy – alleged - are in fact senior citizens, who are living on pensions and so on. We are saying that the loss is the cost of the landline, less the actual charge of £3, and this is a subsidy. But, hang on, what is the true cost? Is not this £1.2 million an accounting loss, as opposed to a true, monetary, loss?

The Connétable of St. Peter:

Well, certainly I would hope the accounts would show losses and profits and a loss of 83 per cent of income would be reflected as a loss, and it is one that we have imposed upon that company. I think the Deputy of Grouville brought a proposition in 2004 asking that this be maintained as well at that particular time to benefit the older people; and also it is only eligible to people of retirement age. I am of retirement age and I also survive on a pension and I certainly do not need the discount and neither would I apply it, but the scheme is now being closed, but it does show in the accounts as a loss, as it should do.

4.8.5 Senator S.C. Ferguson:

What is the true cost? I am talking of the people who are surviving not on States of Jersey pensions, but are surviving on their social security pension, which is quite a different kettle of fish. So, what is the true cost? When the Deputy of Grouville brought her proposition, I seem to remember that the Prime cost was something like £1 something and it has gone up. So what is the true cost of this to genuine pensioners, who are on the basic social security pension?

The Connétable of St. Peter:

I find it difficult to understand where the Senator is coming from. The fact is that pensioners are getting a very significantly reduced cost for their landlines, and this is a cost burden which is being carried by J.T. on a fixed-line network, which currently does not pay its way. Just to put it into context, the other fixed-line network closest to us that we can compare against is British Telecom and their fixed-line charge is currently £18.99 a month, compared to our normal one of £13.50 a month. So, the Jersey consumer is getting a good deal compared to the British Telecom, and the Jersey Prime Talk customers are getting an even better deal, because of the discount they are receiving.

The Bailiff:

Senator, if I may suggest, it probably would be more helpful if you put in a written question, which sets out your parameters. The expression “true cost” is quite a difficult one and if you put in a written question, which sets out your parameters I have no doubt it would get a proper answer.

Senator S.C. Ferguson:

Thank you, yes. There is creative accounting, I think.

The Bailiff:

Well, there may, or may not be.

4.8.6 Deputy A.D. Lewis:

I just wonder if the Assistant Minister might describe this more as an agreed subsidy, rather than an operational loss. That might mean more to Members and the public, because that is really what it is. However, we have been waiting for some time now for a telecommunications policy. We still have not seen it. P.A.C. (Public Accounts Committee) and the Comptroller and Auditor General asked for this some time ago, it has still not been produced. Of course, within that it may well determine things like social policy with regards to that company and give us the opportunity, as an Assembly, to decide as to whether this should remain in public ownership or not. Where is this policy? When will it be presented to us, as it has been many years now since it was asked for?

The Bailiff:

That is the very outside of a supplementary question.

The Connétable of St. Peter:

I am happy to answer that if you are happy too, Sir. Thank you for your clarity, Deputy Lewis, on the actual costing. The work on the policy is in hand and the Treasury and Resources Department made the money available last year to see that policy being developed - hopefully this year - through the Assistant Chief Minister’s Department, and they are currently working on it now.

4.8.7 Senator P.F.C. Ozouf:

Would the Assistant Minister agree that the world of age-related triggered benefits, universally applied, is simply unaffordable in the longer term, no matter whether they are TV licences, free telephones, or whatever, and that there is a widespread worldwide move to move against what are simply unaffordable promises of politicians today for costs that will rise because of the ageing society, and universal trigger related benefits are simply not affordable and we should say so?

The Connétable of St. Peter:

Yes, I do agree with the last speaker. I would rather focus on the people that really do need the discounts and make those discounts even bigger for them than give it to everybody, including many that do not need them.

4.8.8 Deputy J.A. Martin:

I look forward to the Connétable bringing that proposition forward. It is very good to just *ad lib* here. Before I ask the final supplementary, did the Assistant Minister say in the previous answer before last that he could not apply, or would not apply? It is not a personal thing, but I thought he then said: “Because the scheme is now closed.” Did I hear him wrong?

The Connétable of St. Peter:

Yes, I can confirm the scheme is closed to new entrants and that was a decision of this House, I think in 2007, 2008.

The Bailiff:

Deputy Martin, I think you were clarifying, perhaps. Did you have a final supplementary?

4.8.9 Deputy J.A. Martin:

Yes, I was asking it. No, that was a surprise, so the final supplementary then is about what J.T. has said on why it is introducing these charges and it said C.I.C.R.A. said it is unfair to keep cross-subsidies. But, is that not exactly what the Minister, or J.T., are proposing? If they charge people for their bills and then put that against the subsidy that the States are giving it is an unfair cross-subsidy. Does he not agree?

The Connétable of St. Peter:

No, I do not agree, unfortunately. It is not a cross-subsidy, it is funding the actual cost of that service. I did mislead the Assembly a moment ago: it was not a decision of this Assembly to close the scheme - it was a decision of the company - but this Assembly was advised and did not raise an issue at that time. Thank you.

4.9 Deputy G.P. Southern of the Minister for Health and Social Services regarding a service level agreement in respect of funding for Family Nursing and Home Care: [1(165)]

Will the Minister explain why, despite negotiations, he has not yet secured a more detailed service level agreement covering the £6 million of block funding for Family Nursing and Home Care? Will he further advise what engagement, if any, he has had with that organisation's management about using its staff this year to assist the transition to the delivery of home care under his new policy?

Senator A.K.F. Green (The Minister for Health and Social Services):

I am pleased to advise the Deputy and the Assembly that a contract has been agreed and signed by both parties last Friday. My department will be funding Family Nursing and Home Care to the tune of some £7 million. It includes full funding for district nursing, children's services, rapid response, reablement and sustained home visiting. As I have said consistently when asked about employment matters for Family Nursing and Home Care, that is a decision and a matter for the management and the board of Family Nursing.

4.9.1 Deputy G.P. Southern:

Is the Minister aware that some 60 of the healthcare assistants have been put under notice to sign a new contract - with vastly reduced terms and conditions - by the end of March, or face 3 months' notice of redundancy? Does he not think that should this reduce the number of these highly skilled healthcare assistants, there will be disturbance of the 160 people that they care for, as continuity is not maintained?

Senator A.K.F. Green:

I am aware that Family Nursing have put some staff on notice for change of their contract and possible redundancy, but it is entirely a matter for them how they are going to deliver a modern service. This is a changing environment, there is a lot more competition out there for Family Nursing to compete against, and they have to respond to that marketplace. But how they do that - as long as they do it properly, in line with employment law - it is a matter for them.

4.9.2 Deputy M.R. Higgins:

The Minister mentioned there is a great deal of competition out there. Can he confirm whether his department has been talking to other providers of family and home care?

Senator A.K.F. Green:

Not directly, because we have this contract with Family Nursing, but there are other aspects that we do not have a contract with Family Nursing that other services are providing. But they are normally provided directly to the individual, funded by long-term care.

4.9.3 Deputy S.Y. Mézec:

The Minister has said, in this line of questioning and in others before, that the employment terms and conditions for those organisations contracted by the States of Jersey, or in particular his department, are a matter for those organisations. Does he not consider it to be both a matter of good economics and ethics that the State should be supporting good employment practices and terms and conditions in the businesses and organisations which they contract with, and that they should not be doing what his department is doing, which is forcing through a race to the bottom which ultimately we will all suffer from?

Senator A.K.F. Green:

I dispute the fact that there is a race to the bottom. The fact is that we have very comprehensive employment legislation in Jersey and I would expect anybody with a contract with Health and Social Services to comply with that. That is exactly what Family Nursing are doing.

4.9.4 Deputy S.Y. Mézec:

How can he dispute whether or not it is a race to the bottom when the terms and conditions being offered to these workers are objectively, by any standard, vastly inferior to the ones that they currently have? Does he not think - on a point of principle - that States departments should be able to say: "If we are contracting you to do an important service on behalf of the public, we want you to be treating your workers properly and giving them good security in work, good pay and good terms and conditions" and hope that sets an example across the board, so that all Islanders might, one day, benefit from improved terms and conditions at work.

Senator A.K.F. Green:

As I said, the wage scales, providing they comply with the law, are entirely a matter for the employing organisation.

4.9.5 Deputy G.P. Southern:

Will the Minister then undertake to open talks with the management of Family Nursing and Home Care, in order to ensure that continuity of service for the 160 clients, who may be affected by the changes occurring between now and the end of this month and onwards is maintained? Will he seek to maintain continuity of support with family nurses?

Senator A.K.F. Green:

The Deputy knows full well that has already been done and I have given an undertaking that if, by any chance, we do not achieve what we wish to achieve - in terms of an extra component through my good friend, the Minister for Social Security - if we do not achieve that in the time and manner that I hope we will, that we will ensure continuity of service. That has never been in question.

4.10 Deputy L.M.C. Doublet of St. Saviour of the Chief Minister regarding the application of policies in the States of Jersey work places to assist breastfeeding mothers in their return to work: [(1(171))]

What action, if any, has been taken towards putting in place policies in States of Jersey workplaces to assist breastfeeding mothers in their return to work, in accordance with the recommendations and guidelines from 2013 of the Breastfeeding Working Group?

Senator I.J. Gorst (The Chief Minister):

The States of Jersey are fully supportive of nursing mothers who wish to breastfeed on their return to work. Facilities are made available to returning mothers and work is being undertaken to secure facilities on a permanent basis at each States location. A parent's pack for all employees who are, or are about to be, parents is also under preparation and will be introduced this year.

4.10.1 Deputy L.M.C. Doublet:

Is there a target date for completion of this work, whereby all States of Jersey workplaces will have these facilities in place?

Senator I.J. Gorst:

I am not aware that there is a target date for each building. There is a target date for the individuals undertaking the piece of work that the Minister for Home Affairs, in her responsibility for constitutional and community affairs, and myself have asked to be reported on the timescale of those places being made available. We are expecting a report back after Easter and then, hopefully, I will be in a position to give a more detailed timetable of when sites, or rooms, will be available.

[12:15]

4.10.2 Deputy G.P. Southern:

Does the Chief Minister accept that encouraging breastfeeding for longer periods is a thoroughly good thing, and does he not accept that the simplest way to encourage breastfeeding is to extend the period of paid maternity leave beyond the paltry 2 weeks that we have now got?

Senator I.J. Gorst:

The evidence certainly shows what the Deputy suggested in his question about the benefit of breastfeeding. There are circumstances where that is not possible, but one should encourage - and the States as a good employer should encourage - its employees to do so and continue to do so as long as they wish to do so. The Deputy also makes a fair point that if there were greater periods of paid maternity leave that may, for some nursing mothers, allow them to breastfeed for longer periods. But, I would suggest that it should be a matter of choice and individual nursing mothers should be in a position to be able to make that choice. I know that Social Security are doing more work with regard to family-friendly legislation, and she has come to this Assembly and been criticised for prioritising that piece of work among other pieces of work that some Members - perhaps even that one, who is now asking the question - have asked her to do. So, it is being prioritised, it is an important piece of work, but it is not just the ability to nurse, it is also the ability to be able to express, and that does require a safe environment in which to do so.

4.10.3 Deputy J.A. Martin:

The Minister says that the facilities are in place and now he wants to get more permanent facilities, but does he know, or can he confirm, that we have facilities in place at the moment in every place where women work for the States and, if not, why not? Secondly, can he give us a number? As one of the largest employers, surely we should be leading by example and it is not rocket science; could the Minister please enlighten us?

Senator I.J. Gorst:

Just to be clear, I did not say the assertion that the questioner has now made: I said that work was being undertaken to ensure that there are facilities available. That that piece of work, as I said, the Minister for Home Affairs and myself have asked to have that reported back to us after the Easter recess, to ensure that there is an actual programme to deliver those facilities. Of course, it seems quite straightforward that there could be a room, which is lockable, with a comfortable seat, with

fridge-like facilities. But this Assembly does not currently have that provision available. There is a piece of work to ensure that those facilities are provided, because we recognise the importance of them.

4.10.4 Deputy J.A. Martin:

Can I take it from that answer that there are none for breastfeeding mothers employed by the States of Jersey at the moment and, secondly, is he saying that these people should be locked in a room? I am really confused; it is not very friendly to me. It is an absolutely natural thing, does the Chief Minister not agree that most places of work can find somewhere for a woman to breastfeed - the most natural thing in the world - her baby?

Senator I.J. Gorst:

I am not sure if the questioner is wilfully misunderstanding the points that I am making but, of course, nursing mothers can nurse anywhere, in my view, that they think is appropriate and they wish to do so. But, this is not a question about that, this is a question that we are undertaking a piece of work to ensure that there is a safe, secure, environment should those nursing mothers wish to avail themselves of such an environment. It is not simply about nursing, it is also about expressing and to do that the best practice tells us - it is not me just standing here and answering off the top of my head - best practice tells us that there should be a room, which can be secured, with a comfortable seating provision and with fridge facilities. We are working towards what is best practice.

4.10.5 Deputy L.M.C. Doublet:

I thank the Chief Minister for his answers. So, just to clarify, are all States of Jersey workplaces that do employ women working towards having these facilities; and also could States Members have the information that he is expecting in, I think he said, April?

Senator I.J. Gorst:

They are and they can and I will also be liaising with P.P.C. to request that they consider that equivalent facilities are available for the States Assembly as well.

4.11 Deputy M. Tadier of the Chief Minister regarding the position of Senator A.J.H Maclean and Senator L.J. Farnham following the publication of ‘Jersey Innovation Fund’ (R.3/2017): [1(169)]

Will the Chief Minister state whether, following the publication of the Comptroller and Auditor General’s report entitled: ‘*Jersey Innovation Fund*’ (R.3/2017), Senator Farnham and / or Senator Maclean offered to resign as Ministers, or whether he, as Chief Minister, asked them to resign?

Senator I.J. Gorst (The Chief Minister):

The Deputy asked me this question at the last States sitting and I have nothing further to add to what I have said previously.

4.11.1 Deputy M. Tadier:

It is a shame that indeed I am being put in a position where I have to ask a very similar question, because the Minister not only did not answer this question, but he did not even seek to answer the question, which, I suggest, goes against the Code of Conduct for States Members and for Ministers which says that: “In a leadership role, Ministers should try to maintain and strengthen the public trust and confidence in the integrity of the States and its Members in conducting public business.” By not giving a straight answer to what is a very straight question, I would suggest that the Minister

is falling foul of this part of the Code of Conduct. So, I would like to give the Chief Minister a second chance to give a straight answer to this question, because we know that either the 2 individuals in question did offer to resign, or they did not, or they were asked to resign, or they were not. It should be a very simple matter that the Chief Minister can clear up now.

Senator I.J. Gorst:

I maintain the answer to all of these and related questions, which the Member, and his colleagues, seem intent on continuing to ask. The Assistant Minister, who had political responsibility for the fund when the Comptroller and Auditor General's report was published, did the honourable thing. I think he should be congratulated for that. Members of this Assembly have come up to me and said: "Who is doing his work? Who is undertaking the role that he undertook?" I said, in answer to questions in this Assembly, that he is missed in certain regards, perhaps particularly as I said at the last States sitting in regard to Brexit and the relationships that we are building there. The other 2 Ministers are getting on with their job and the reviews are being undertaken. When we have those reviews, if action is required, action will be taken. This is not about a witch hunt for an individual Minister, either that one that did the honourable thing, or the 2 who are currently getting on with the work that this Assembly has asked them to undertake. It is about understanding what happened and then acting accordingly.

4.11.2 Deputy G.P. Southern:

My colleague quoted the bits on leadership in our Code of Conduct. I will turn to the part on openness: "Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest, or rules on freedom of information, data protection, or confidentiality, clearly demand." So, will the Chief Minister exhibit that openness and say whether he asked, or whether resignations were offered and, if not, why not? Will he give us those reasons in the name of openness?

Senator I.J. Gorst:

I understand what the questioner and the previous questioner is trying to achieve, but getting on with having the reviews completed, allowing those Ministers to get on with their work; that is the right thing to do. To provide answers, ultimately, to this Assembly and not to go on a witch hunt, or deliver a short-term political manoeuvre. The Assistant Minister, with responsibility at the time, has done the honourable thing, and I know that is part of what is distressing the individuals who are asking the questions this morning. He has done the honourable thing; we should now, I believe, allow those reviews to undertake their work and then, if action is required, after they have been completed, action will be taken. That is the right time to take action.

4.11.3 Deputy S.Y. Mézec:

A simple question for the Chief Minister: did either Senator Farnham, or Senator Maclean, offer to resign as Minister or, if not, did he ask them to resign? It is a simple question, simple answer, and we can move on.

The Bailiff:

It has been asked and the Chief Minister has given you the answer he is going to give you and it really is ...

Deputy S.Y. Mézec:

Is that the position we are in where Ministers can stand up in this Assembly and point blank refuse to answer questions and the Presiding Officer will simply say: "Well that is okay, we can move on." Are we not able to push this issue?

The Bailiff:

Deputy, the Presiding Officer is making no comment about the quality of the answer, or the quality of the question, or anything else. The Presiding Officer is simply saying that this particular question has now been asked 3 times and it has been answered in a particular way 3 times and Members, frankly, will have to make the best they can with that.

4.11.4 Deputy A.D. Lewis:

The Chief Minister will be aware that P.A.C. are doing a review into this and we are discussing matters with officers, not obviously with Ministers. However, could the Minister advise as to whether he has had any approach from the Economic Affairs Scrutiny Panel, because that is the place where Ministers can be brought to account and questioned on this issue? I am not aware of any review being asked for at the moment. Has he had any discussions at all with the Chairman of the Economic Affairs Scrutiny Panel?

Senator I.J. Gorst:

Yes, I have, and they are taking the view - which I think is the correct approach - to allow the current reviews to be undertaken and then to make a decision about whether they wish to do a further review in light of those investigations.

4.11.5 Deputy S.Y. Mézec:

This is a different question, seeing as my previous one will not be allowed to be answered for some reason that I simply cannot figure out. Would the Chief Minister accept that, by not answering this question - point blank refusing to take part in what is a legitimate democratic process, where elected Members should be holding the Executive to account - does he accept that by not taking part in that democratic process, he is prolonging this issue for much longer than it needs to be prolonged and that if he just answered it we could get on with it and move on?

Senator I.J. Gorst:

I am answering it and I am answering it in the way that I think is appropriate, and that is that the Assistant Minister, who had responsibility at the time of the publication of the Comptroller and Auditor General's report, has done the honourable thing and stood aside to allow the work and the reviews to be undertaken without fear or favour. The 2 other Ministers are getting on with their work that this Assembly has asked them to do. If those reports say that there are further individuals, who need to be held to account for their action, or inaction, then that action will be taken at that time.

The Bailiff:

Thank you, Chief Minister, you said that before. Deputy Mézec, the answer to your question is that Standing Order 10, paragraph 8 says: "A question shall not raise an issue, which, in the current session has been fully answered, or to which an answer has been refused."

Deputy S.Y. Mézec:

I fully agree with that, but the question has not been answered so it is a waste of time being here if ...

The Bailiff:

From your perspective an answer has been refused.

4.11.6 Senator P.F.C. Ozouf:

Is the Chief Minister aware that Reform member Deputy Mézec may have broken, himself, the Code of Conduct by potentially ...

The Bailiff:

That is out of order, Senator.

Senator P.F.C. Ozouf:

Well, it is about the circumstances of it. He basically tweeted the statement and then went outside and said everything I had done was toxic.

The Bailiff:

Senator, I am sorry, that is out of order. The question is about whether Senators Farnham and Maclean offered to resign, or whether the Chief Minister asked them to resign; and it is not about anything else.

[12:30]

4.11.7 Deputy M. Tadier:

We find ourselves in a difficult situation where a Member can ask a question about X and then a Minister - or the Chief Minister in this case - chooses to answer a question about Y or Z. The problem I had is that I did not ask a question about Senator Ozouf, the former Assistant Chief Minister, and I did not ask a question about whether the current Ministers are doing a good job. I asked a very straight question about whether resignations had been offered, or asked for, and the Chief Minister has refused to do that. Does the Minister accept by not giving a straight answer to this, he is putting me in a very difficult position where I have to consider either a vote of censure, or referring this matter to P.P.C.; and that it is counterproductive from the Chief Minister's own point of view, who wants to draw a line under this issue, and similarly to me; I want to get a straight answer to this issue, so that we can look at the reviews. Does the Minister accept that is not the best course of action and that he should be quite able to give a straight yes, or no, answer to these questions?

Senator I.J. Gorst:

I absolutely understand that the 3 Members opposite see themselves as the opposition party to the Government and everything that happens in this Assembly, and that is a perfectly legitimate position for them to take. But, let them not try to masquerade under trying to get to the truth, trying to be open and transparent; they have one aim and that is to deliver instability into this community at a time when we need more stability. **[Approbation]** Only at the last States sitting, we saw them refuse to maintain our autonomy. It is a litany of examples that I could talk about today - I will not do that, because you will draw me in and I have 90 seconds. I am not endeavouring to draw a line under this issue. I can say that, because there are 3 reviews being undertaken into these issues, which will legitimately answer legitimate questions that Members of this Assembly have. Let us deal with the facts, let us allow those reviews to do their work. If action needs to be taken, action will be taken. Let us not point fingers at individuals and going on a witch hunt, which are not about those individuals, they are simply about removing this Government and delivering instability to our community and it cannot be right. **[Approbation]**

Deputy G.P. Southern:

Through the Chair, if I may, could the Chair point out what part of that question allowed the Chief Minister to accuse us 3 of promoting instability?

The Bailiff:

I think the question was: will the Chief Minister draw a line under it, or agree that a line could be drawn under it better by answering the question, and the Chief Minister has interpreted that as a basis for what he has just said and that is a matter for Members to take, or leave, as they feel like.

Deputy G.P. Southern:

Is that not impugning motive, sir?

The Bailiff:

No, I do not think I heard the Chief Minister impugning any motive. I think he was talking about the effect, as he sees it, of the questions and the attacks that were being brought.

4.12 Deputy L.M.C. Doublet of the Minister for Social Security regarding the progress of consultation undertaken by the Employment Forum on family friendly legislation and policies: [1(173)]

What updates, if any, has the Minister received from the Employment Forum, regarding the progress of its consultation on family friendly legislation policies?

Deputy S.J. Pinel (The Minister for Social Security):

I thank the Deputy for her very pertinent question. The Employment Forum's family friendly survey is currently underway. The Deputy's question gives me a good opportunity to remind Members and the public that they can complete the survey online until 17th March. The media have provided some excellent coverage, for which the Forum, and I, are very grateful. There has been a very good response so far, with over 250 completed surveys received. I look forward to receiving the Forum's recommendations later this year.

4.12.1 Deputy L.M.C. Doublet:

Is the Minister aware of any particular demographic groups who could be encouraged to respond in greater numbers?

Deputy S.J. Pinel:

Yes, I think there has been a plea for men.

4.12.3 Deputy L.M.C. Doublet:

If the aforementioned group – men - do not participate in the survey in significant numbers, what efforts will the Minister make to go out to that group, to ensure that she does have a representative view of the wider community upon which to base her policy decisions?

Deputy S.J. Pinel:

As I mentioned, there has been quite extensive public consultation and press coverage of asking more men in the demographic line that the Deputy mentioned, to come forward. The consultation finishes on 17th March and the Employment Forum will not consult further on that, because they will then move into the minimum wage and come back with the results of this consultation by the end of the year.

Deputy L.M.C. Doublet:

Sorry, the question was what will the Minister do in order to base her policy decisions on a wider representative view, not the Forum.

Deputy S.J. Pinel:

My decision will be based on the recommendations of the Employment Forum.

4.13 Deputy M.R. Higgins of the Solicitor General regarding the actions that would be taken against a States Department in instances where criminal charges had been brought in the Magistrate's Court without knowledge, consent or assistance of the Law Officers' Department: [1(168)]

Will Her Majesty's Attorney General advise Members what actions, if any, would be taken against a States department that brought criminal charges against Jersey residents in the Magistrate's Court, without his department's knowledge, consent, or assistance?

The Solicitor General (Rapporteur):

All criminal charges brought in the Magistrate's Court must be brought by a Centenier. The Honorary Police (Jersey) Law of 1974 provides that the Honorary Police - and hence all Centeniers - shall be under the general supervision of the Attorney General. The Attorney General, or a member of the Law Officers' Department, is generally consulted in relation to all such charges before they are brought; however, a Centenier is entitled to charge a defendant, acting in his discretion, as long as he, or she, has applied the published guidance in the Code to Prosecute. I repeat the answer in relation to question 168, that a States department is not entitled to bring a charge in the Magistrate's Court.

4.13.1 Deputy M.R. Higgins:

The Solicitor General is aware that, in fact, the Environment Department did exactly that. They went directly to a Centenier, who did not apply the evidential, or public interest test, which resulted in an individual being convicted in the Magistrate's Court and, subsequently, having his conviction quashed in the Royal Court. Will the Solicitor General tell Members whether any action was taken against the Environment Department for their actions, which were deliberately avoiding the Law Officers' Department?

The Solicitor General:

I do not agree that the Environment Department was deliberately avoiding the Law Officers' Department. The circumstances, which the Deputy is referring to, were set out in the answer that was given by the previous Attorney General to his question on 9th December 2014. I do not agree that there was a deliberate attempt to avoid the Attorney General's Department. As it happened, the prosecution of the case that the Deputy is referring to was prosecuted by a member of the Attorney General's department in the Magistrate's Court.

4.13.2 Deputy M.R. Higgins:

The Solicitor General is being disingenuous in his answer. **[Members: Oh!]** I do not believe that is unparliamentary...

The Bailiff:

Are you suggesting the Solicitor General is deliberately misleading the Assembly?

Deputy M.R. Higgins:

I am saying he may be inadvertently misleading the States Assembly with his answer. We have a situation where enforcement officers in the Environment Department did not consult any members of the Law Officers' Department before they went to the Magistrate's Court and - in their own words - had the person charged and brought a prosecution. That prosecution has caused an awful lot of upset to the person: financial loss and all sorts, which I will not go into. But the point is the department later became aware of it, but took no action. Will the Solicitor General confirm that no action has been taken against the people and I mean that they wilfully and knowingly took the

action they did, because they were talking about how they were not getting any information back from the Law Officers' Department and so they took the actions into their own hands?

The Solicitor General:

It is correct to say that the Law Officers' Department is not currently planning to bring any action against members of the Planning Department. I repeat that there was no deliberate attempt to avoid the Attorney General, or the Law Officers' Department, in relation to this specific matter. I reject the comment that I am being disingenuous, or misleading the Assembly. **[Approbation]**

4.13.3 Deputy M.R. Higgins:

Is the Solicitor General aware that a meeting took place shortly after the conviction was quashed whereby members of his department consulted with the Department of the Environment to try and sort out, to make sure, they never again went around them. By "around them" I mean the Law Officers' Department and is he not aware that that document is published on the web?

The Solicitor General:

I am not aware of that specific meeting, or that specific document. This is a case that is ... this case is *sub judice*, as the Deputy knows, so I think it is rather inappropriate for me to go into specifics in relation to this case. But, I have given the answers that I have given in relation to this and his previous question. The specific incidence was an extremely unusual one. It was one of only 2 cases at the time and the practice now is set out in the guidance that is published on the Law Officers' Department for States departments to refer to the Law Officers' Department for guidance in relation to prosecutions for suspected infractions of legislation. So, that is the practice now.

The Bailiff:

Well, that brings this part of question time to an end.

Deputy M. Tadier:

I have a point of order I would like to raise. Could I draw the Chair's attention to Standing Order 104, part (c), and ask whether he thinks the Chief Minister's comments earlier ... from what I recall the Chief Minister said, although it will need to be, perhaps, verified with Hansard, is that he said: "The sole purpose of Reform Jersey and / or, by extension, the 3 Members here, is to sow division in Jersey and create instability." Not only is that not true - and we are quite happy to refute that outside of this Assembly - it seems to fall foul of the instruction not to impute improper motives directly, or by innuendo, to any Member of the States. It would be helpful if it could be placed on record to know whether, or not, the Chief Minister fell foul of that, or whether his comments were acceptable political banter and, if so, will he take note of that for future.

The Bailiff:

It is difficult for me to answer that, without seeing precisely what words were used, Deputy. I have to say, that as I listened to the Chief Minister, I certainly heard him say that the effect, as he saw it, of the questions, was to introduce instability but, perhaps, I could ask him to clarify whether he meant that you, and your colleagues in the Reform Party, had that as your intention. Chief Minister?

Senator I.J. Gorst:

It was few moment ago now and in the heat of answering a question. I think I did indicate that the purpose of the questions were to illicit further resignations and for the Government, itself, to resign. I think the leader of the Reform Party left this Assembly on the day that Senator Ozouf said he was stepping aside and suggested that I should resign also. Bringing down a government is no small

matter and, I think, that a correlation between bringing down a government and instability should be quite clear for all Members to be able to understand.

Deputy M. Tadier:

It is just a further question, because I definitely heard ... I thought I heard the Minister say that the sole purpose of Reform Jersey and us was to create instability and, clearly, is it not only the sole purpose, it is not a purpose at all. So, I would like to know, in future, whether it would be acceptable for me to say that the Council of Ministers ... the sole purpose of the Council of Ministers is to make life worse for the majority of people living in Jersey and to give public assets to their rich mates and make them richer. But, if I said that was the sole purpose of the Council of Ministers, would that be okay because, clearly, they might say that they went into politics to try and make life better for everybody and they might have a different way of going about it?

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

I think that is a very good idea [**Laughter**] and I have not forgotten your point of order and I will deal with it at 2.15. The States now stand adjourned until 2.30 this afternoon.

[12:44]

LUNCHEON ADJOURNMENT

[14:17]

The Bailiff:

I was asked by Deputy Tadier shortly before the adjournment to give a ruling on the compatibility of the Chief Minister's answer to the final supplementary shortly before lunch with Standing Order 104, paragraph 2(c) which I shall just remind Members of: "A Member of the States must not impute improper motives directly or by innuendo to any Member of the States." I asked the Greffier to let me have a transcript of what the Chief Minister actually said, which I am told is this: "Sir, I absolutely understand that the 3 Members opposite see themselves as the opposition party to the Government in everything that happens in this Assembly, and that is a perfectly legitimate position for them to take but let not them try to masquerade under trying to get to the truth, trying to be open and transparent. They have one aim and that is to deliver instability into this community at a time when we need more stability. Only at the last States sitting we saw them refuse to maintain our autonomy and it is a litany of examples that I could talk about today. I will not do that because you will draw me in and I have 90 seconds. I am not endeavouring to draw a line under this issue, that is ... I can say that because there are 3 reviews being undertaken into these issues which will legitimately answer legitimate questions that Members of this Assembly have. Let us deal with the facts. Let us allow those reviews to do their work. If action needs to be taken action will be taken. Let us not point fingers at individuals going on a witch hunt which are not about those individuals. They are simply about removing this Government and delivering instability to our community and it cannot be right." So that is what the Chief Minister actually said. At the time, bearing in mind I did not have that transcript, I thought that he had used language which represented robust political language which one expects from time to time in this Assembly but it is now challenged by Deputy Tadier as breaching the Standing Order. I do note that when I asked the Chief Minister to indicate whether he was saying it was the purpose of the Reform Party to introduce or create instability in the Island, which was Deputy Tadier's complaint, he confirmed obliquely that it was, the Reform Party had called for his resignation or this Government's resignation or both, as I understood it - I do not have a transcript of that part - and the fall of any government would cause instability. I hope

it is not unfair to observe that the members of the Reform Party are regular critics of the Island's Government and in making those criticisms frequently set out the policies which they would like to see adopted. That is entirely appropriate political activity as it would be in any parliament. Those opposing the Government generally do so because they consider their policies work better for the public good than do the policies of the Government. A dictionary definition of "instability" is unhelpful. It refers to the quality of not being stable or a lack of stability. Now, I understood the Chief Minister to refer to instability in the sense of having firmly established Government not liable to destruction or essential change fundamentally constant and no doubt the Chief Minister would want to add that it meant also consistency and reliability. On the other hand, members of the Reform Party might want to assert that if stability meant the continuation of policies that were unjust or unfair to sections of our Island community then there was nothing wrong with instability because that lack of justice or fairness needed to change. So my ruling is that when the Chief Minister said that members of the Reform Party wanted instability that does not impute improper motives contrary to Standing Order 104. It was robust language but to want to achieve change is not of itself improper and therefore to accuse members of the Reform Party of wanting change does not imply or impute any improper motive. It is sometimes possible for Members to bring into their objections in this Assembly their apparent knowledge of what a speaker meant when using language he did by reference to what has happened outside the Assembly. I just wish to add that that cannot be relevant. The assessment of what is proper and within Standing Orders can only be made by a Presiding Officer on an objective construction of what he knows, what he has heard in the Assembly or what is clear from States records. Standing Order 104 is not about restricting robust criticism or robust defence of a political position which has been adopted. It is about avoiding language which by its nature is likely to create disorder, which is always a risk because experience shows that Members of Parliaments are likely to feel passionately about the views which they express and there is absolutely nothing wrong in that. It has generally been the case in this Assembly that despite the passion views are expressed with good temper and with moderation respecting the fact that other Members' views may not be your own. My judgment; that in a small community is an important consideration. What will call for prompt interference is where there has been an imputation of a false or secret motive because in essence that is an allegation of dishonesty and Members should be able, as honourable men and women, to identify not only what is being proposed or said but also to trust the truthfulness of why it is being proposed or said. It is because that trust is the bedrock for people to work together that a breach of it is so important and it is why allegations of personal impropriety or abusive language or statements lacking in courtesy are, depending on context, likely to be regarded as unparliamentary. So for all those reasons I have ruled that the Chief Minister did not breach Standing Order 104 in his answer before lunch.

Deputy M. Tadier:

Can I thank you for that ruling? I think it is useful and it is obviously well considered. Can I just say that it is not something I need a point of order on but when terms are used like "masquerading" I think that is what, in particular, gives difficulty because it suggests that there is an ulterior motive rather than the upfront motive which essentially is to get to the truth of matters and of course we all have motives and motivations but essentially when questions are put I think it has to be presumed that on the face of it that there are not underhand motives for doing that. It is simply to get to the public truth is a good in itself.

The Bailiff:

Deputy, I am glad you raised that. I received the transcript literally 30 seconds before I came in here and when I read it I thought that that expression "masquerading" was a step too far. Chief Minister, perhaps you would like to withdraw that part of what you said.

Senator I.J. Gorst:

I have no problem with withdrawing that particular word.

5. Questions to Ministers without notice - The Minister for Home Affairs

The Bailiff:

Right. Now we return the Order Paper and Question Time. I have now lost my Order Paper but I think we have reached the point of Questions to Ministers without notice. Have you got an Order Paper, I have lost mine? Thank you very much. We will come to 2 urgent questions, Senator, I hear you saying, but there is questions for Ministers without notice first. The first question period is the Minister for Home Affairs and I invite questions.

5.1 Connétable J. Gallichan of St. Mary:

In rising I hesitate because I might be barking up the wrong tree with this. The Minister may tell me I am asking the wrong Minister but I know that certainly she does have some responsibility in some areas for dogs. I just wondered if she had any responsibility for and any intention to act in respect of dog walking. I have had numerous complaints from parishioners about aspects of the growth in dog walking and I wondered if anything could be done about that.

Deputy K.L. Moore of St. Peter (The Minister for Home Affairs):

I thank the Constable for her question. The role of Home Affairs and our work generally is in the area of enforcement of such matters. However, I have to say I am aware of the issues of dog walking that have been arising recently, particularly in the northern Parishes in the west of St. Mary and St. Ouen. I had cause recently to attend a meeting that was called by the Constable of St. John to discuss the matter. While it does not fall directly in my remit the Minister for the Environment was also there and we have agreed to jointly work together and hopefully draw some conclusion in the near future.

5.2 Deputy K.C. Lewis of St. Saviour:

Last time the Minister for Home Affairs was up for questions without notice I did ask a question regarding Operation Blast, the so-called secret files, and the Minister agreed to get back to us as soon as possible. Could she give us an update on that please?

The Deputy of St. Peter:

I am afraid I do not have an update in front of me but I will, if the Deputy still requires it, seek one and provide the Deputy with that update as soon as we possibly can.

5.3 Deputy J.M. Maçon of St. Saviour:

Can the Minister advise, given the length of time regarding the Mr. Bronx saga - and we see another 8 coming forward recently - can the Minister advise how long this particular case and the matter will take to be dealt with?

The Deputy of St. Peter:

The 2 cases are quite different and, as I mentioned earlier, generally it is the role of Home Affairs to be involved in enforcement. This area particularly falls to Customs and Immigration because of their role under the Import Export Law. This remains an operational matter but I am quite assured that it will not take a very long time to be dealt with.

5.4 Deputy M. Tadier:

Would the Minister be willing to put on record her congratulations to both the Customs and Immigration swimming team in the Swimathon but also the great work done by the Lions Clubs

which has relevance to the wider work of the Home Affairs Department and the great money that they have raised for local charities? **[Approbation]**

The Deputy of St. Peter:

What an opportunity. **[Laughter]** I thank the Deputy for such a kind question and it is fantastic that the Lions Club of Jersey have raised to date £130,000 for the good work in the community and voluntary sector, particularly I might refer to Brighter Futures, who are quite closely allied with the 1,001 Days and the work that we wish to see happening in the Island to improve the lives of families. It was fantastic that States Members put together a team and on Friday night they swam 51 lengths, which is probably not one of the highest lap rates, but they did a very a fine job and in fact there have been chocolates available in the coffee room today as a thank you from the Lions Club for being the best fundraisers during that hour of the Swimathon. We raised, as States Members, more than £700 which was the highest fundraise of all the States of Jersey teams who were competing at that time. But Customs, as the Deputy rightly referred, were, as ever, very fit and well prepared for the Swimathon and they almost reached 100 laps, just making about 97 laps I think. So hearty congratulations to them and all the other States of Jersey teams for their endeavours.

5.4.1 Deputy M. Tadier:

A quick supplementary. Would the Minister remind Members who did not have a chance to contribute that there is a sponsorship form in the coffee room so that they can add to that £130,000 if they wish to, if they missed the chance first time round.

The Deputy of St. Peter:

I could not have said it better.

The Bailiff:

Perhaps, Minister you were referring to States Members teams. You might have referred to the Bailiff's Chambers which did 55 laps **[Laughter]** and to His Excellency's team which also did 55 laps.

[14:30]

5.5 Deputy M.R. Higgins:

Can the Minister for Home Affairs tell us whether there are any ongoing police investigations involving forces from outside the Island? I know we have had them in the past. I was just curious if there is any ongoing at the moment.

The Deputy of St. Peter:

I do not think I am aware of any investigations by forces from outside of the Island at the moment. I think they are all complete but I can seek an update if the Deputy would so wish.

5.6 Deputy M. Tadier:

Perhaps a less of a friendly ball question now. On the issue of dogs, can the Minister clarify that when it comes to somebody who feels that their dog has been attacked by another dog or there has been an allegation of that, whether it is necessary for them to make a complaint directly to the Magistrate's Court, which the law seems to suggest that anybody can refer a complaint directly to the Magistrate's Court, or whether it is something that should, in the first instance, be directed to the States of Jersey Police?

The Deputy of St. Peter:

I think you may have a better knowledge of the law than myself, but I am unaware of that clause in any law and, as I said earlier, the Dogs Law does not fall under the remit of Home Affairs so I am afraid I could not answer that without some further study.

5.7 Deputy A.D. Lewis:

I believe there is a potential move towards creating a 20 mile an hour speed limit for all urban areas, particularly of St. Helier, within the ring road. If this does occur and other speed limits are also imposed can the Minister assure us that there is sufficient policing capacity to police such new measures in the terms of technology and also is she considering, at any point in time, fixed cameras to also police this issue because it is all very well having the speed limits but if there is no policing involved then it seems superfluous to impose such limits?

The Deputy of St. Peter:

That is a 2-parter and I do not mean to pass the buck but partially that would be falling under the Department for the Environment and that Minister's remit. However, of course, the States of Jersey Police will be there to serve and enforce any such changes that are imposed. I can only imagine that issues in the urban areas may arise if there is not a sufficient distance for fast car cameras to be used to gain an adequate measure of the speed that is being driven at a certain time. But, of course, officers take the matter of road safety extremely seriously and it is part of their plan to reduce the number of injuries and deaths that occur on Island roads.

5.7.1 Deputy A.D. Lewis:

Supplementary. Speed checking is perhaps one of the most visible forms of policing and it does reassure the public that something is being done about it, albeit some drivers, I am sure, are somewhat irritated about being caught. However, in my district in particular I have constant demands from residents about the speed of traffic but we see little visibility of some officers in the urban areas that are residential. I wondered if the Minister could give some assurance that regular checks are occurring in the residential areas of St. Helier which are often lined by main roads.

The Deputy of St. Peter:

I would not naturally have an involvement in an operational side of policing but, as the Deputy knows, there are 13 police forces in the Island who all have a part to play in policing the speed of vehicles and, as I said earlier, road safety is of particular importance, and I am absolutely aware, as a Parish Deputy myself, that this is a bone of contention for many members of the public. But, of course, as drivers members of the public are absolutely in charge of their own vehicles and able to police their own speed and I always urge them to do so.

5.8 Deputy M. Tadier:

Given the fact that prisoners will shortly have voting rights, what role does the Minister think she has and her department has in facilitating political debate at the prison for prisoners?

The Deputy of St. Peter:

I hasten to add that not all prisoners will have voting rights but it is, of course, an interesting question and I am sure that the prison governor would be very happy to speak to the Greffe as they prepared for elections and will facilitate some form of hustings or certainly make sure that information is available prisoners.

5.9 The Connétable of St. Mary:

Following on from something that Deputy Andrew Lewis just said: can the Minister update me on her views regarding speed cameras, fixed or otherwise?

The Deputy of St. Peter:

Again, I would refer to the Minister for Infrastructure which the area really falls within his remit.

5.10 Deputy P.D. McLinton of St. Saviour:

Following the fire at Rouge Bouillon School a few years ago I believe the police control room was heavily compromised in action at Rouge Bouillon and I am wondering what measures are in place should something catastrophic happen to the control room at the current police headquarters.

The Deputy of St. Peter:

I am aware that there is a disaster plan in place to deal with such occurrences if they were unfortunately to arise. It would be part of strategic planning for any major building particularly when emergency capacity is needed and 24/7 operation is essential.

5.11 The Connétable of St. Peter:

A little bit of a historical question if the Minister can help me with. It goes to the very good piece of work with the new police station but certainly there have been some reports made in the media more recently that the cost has increased significantly because of the failure of the previous Minister for Treasury and Resources, whom I was Assistant Minister for Treasury and Resources, had not proceeded with Lime Grove. Would the Minister ask D.f.I. (Department for Infrastructure) to look at the costings and see what the increased value is of the new building compared to Lime Grove?

The Deputy of St. Peter:

I would be delighted to assist the Constable by asking for that information.

5.12 Deputy A.D. Lewis:

Sorry to keep going back to this one, but the Constable of St. Mary has inspired me. Surely the Minister for Home Affairs must have a view on cameras for speeding, fixed cameras or otherwise. Could she articulate that view and whether she has support from her force as to whether fixed cameras are something which would be desirable, effective or indeed possible within the current legislation and what timescales would she like to see happen with regard to that possibility?

The Deputy of St. Peter:

As I said earlier, the Department for Infrastructure have been conducting a road safety workshop along with the Parish Constables. I have attended as Minister and also the States of Jersey Police have been in attendance. It is important to gain a collective opinion on these important matters and I think there are practical implications of which I have no particular view, I have to say. I have to say personally that I always encourage drivers, when they are raising the issue of speed limits in areas that concern them, to monitor their own speed and to drive very cautiously whenever they can because, as I said earlier, drivers are in charge of their own speed and self-policing would be a very positive thing to see and would help to improve the safety of all Islanders.

5.12.1 Deputy A.D. Lewis:

Supplementary. Am I clear here that the Minister or her police force have no view otherwise, either for or against, fixed cameras or not for speeding? Is that the case?

The Bailiff:

That is what she said.

5.13 The Deputy of St. Ouen:

On that subject, will the Minister confirm that the difficulty with introducing fixed cameras is the fact that they provide no corroborative evidence of an offence and therefore is that recognised in her department and are steps being taken to amend legislation to provide that fixed cameras could be used solely as evidence in an appropriate case?

The Bailiff:

A very good question, Deputy. It took too long to get it out and I am afraid time is now up.

6. Questions to Ministers without notice - The Chief Minister

The Bailiff:

So we now come to the second question period for the Chief Minister starting now.

6.1 Deputy K.C. Lewis:

Will the Chief Minister update Members here regarding the delay with the Jersey Care Inquiry independent final report?

The Bailiff:

Chief Minister, you will be answering a full urgent question on the Care Inquiry but the question for now.

Senator I.J. Gorst (The Chief Minister):

Indeed but as I have now been asked the question I wish to make sure that my answer is accurate. It is fair to say I do not know why there is a delay. The Independent Jersey Care Inquiry announced its reasons for delaying the publication of its report and it is therefore for the panel to comment if Members require further comment on those reasons.

6.2 Senator S.C. Ferguson:

I keep seeing mention of the Government of Jersey both on stationery from the States or with reference to the Chief Minister of the Government of Jersey. I wonder if it is appropriate to be using U.K. language to refer to Jersey matters and I wonder if the Chief Minister would like to explain why he is reverting to his native land rather than using local language.

Senator I.J. Gorst:

I thank the Senator for her question. She knows that “government” is a universal term to describe the Executive and that is the way that we have been describing it. When this Assembly, or this previous Assembly, decided that it was going to move to a ministerial form of government therefore this Legislature or this Assembly was no longer the Executive, it was the Legislature, the Executive became the Government. We have retained for departments the term “States of Jersey”. I think there is some confusion between the States Assembly and the States of Jersey but when we are acting internationally we are quite clear that the Executive is the Government of Jersey. That is a term which is understood internationally and that is why I use it. It is why the Minister for External Relations uses it and it is why other Ministers, when they are acting internationally, use it as well.

6.3 Deputy J.M. Maçon:

We know that in the Chief Minister’s Department they are looking at a review of the machinery of government. Can the Chief Minister please inform the Assembly when this work will be produced and what consultation with other States Members it will involve?

Senator I.J. Gorst:

We are in the consultation process now. My officers recently attended upon the Chairmen's Committee. They are due also to attend on P.P.C. I am hoping to attend with them. We are looking to, therefore, have feedback and bring forward proposals which will initially go to Council of Ministers for consideration but it needs to be an iterative process. I do not have the timeline with me this afternoon but I can provide it for the Deputy. The intention is to have a debate in time for legislation to be changed prior to the next election. That, I think, means that legislation needs to be before this Assembly prior to the summer recess.

6.4 Deputy M.J. Norton of St. Brelade:

I wonder if the Chief Minister can confirm and elaborate on the significance of information that has come to me, financial information, that I understand the largest fund ever created in the world with the sum total of 100 billion dollars, promoted by the Japanese technology company, SoftBank, and invested in by investors from around the world has chosen Jersey to be its base. I wonder how significant that is.

The Bailiff:

Deputy, I think it is desirable not to take other company's names into the public domain. That will be ordered to be removed from Hansard.

Deputy M.J. Norton:

Very well.

Senator I.J. Gorst:

The name of the fund is in the public domain. It is a technology fund. I think I can be permitted ...

The Bailiff:

If it is then that is fine.

Senator I.J. Gorst:

... to refer to as its term SoftBank Vision Fund. It is extremely significant that the operators of that fund ... the mind behind it has chosen to use a Jersey fund structure for what is and will be, once all monies have been subscribed, the largest fund in the world.

[14:45]

It is not only important from its sheer size but also from what it is going to invest in and that is technologies of the future. It is innovative. It is exciting and it shows that the decisions that this Assembly has made, the work - I know this is going to be unpopular - that Senator Ozouf has undertaken as he has led previously financial services. The work that Senator Bailhache is undertaking in building relationships as well has paid and is paying dividends. Good news is not always sung about in our community, I understand that, but this is a really exciting new venture which is going to put Jersey and its financial services, its stellar reputation, right at the front of emerging technology into the future.

6.5 Deputy M.R. Higgins:

I will just follow up on the Chief Minister's comments. Can he tell us what the economic benefit is to Jersey? Is the company going to have a presence in Jersey? Is it going to employ staff? Will it pay taxes?

The Bailiff:

That is quite enough questions.

Deputy M.R. Higgins:

Again it is the economic benefit.

The Bailiff:

What is the economic benefit, Chief Minister? Will it pay taxes; will it employ staff?

Senator I.J. Gorst:

I am surprised that the Deputy is asking a question about whether a fund pays tax or not, as he holds himself out to understand financial services products. What **[Interruption]** ... so he knows the answer to whether a fund pays tax in that regard. It is early stages. They are using a Jersey fund product. Conversations are ongoing about exactly what services may or may not be provided here to that fund but the fact remains, the creator of the largest fund in the world has chosen a Jersey structure. That is not by accident. That is as the result of difficult decisions, of hard work, not only of Ministers, but of officers in the financial services section, the J.F.S.C. (Jersey Financial Services Commission), Jersey Finance Limited and importantly 2(1)(e)s inward investors, working together, to put Jersey on the world map.

6.5.1 Deputy M.R. Higgins:

Supplementary. Other than a fee for setting up the company, which is what we will be receiving, will the Chief Minister come back to the States at the next sitting and tell us exactly what the economic benefit is going to be of this fund?

Senator I.J. Gorst:

There is already economic benefit when somebody sets up a fund using a Jersey structure. The Deputy knows these things. There might be lawyers. There might be fund managers. There might be fund administrators. He does not need me to come back and tell him the answer to his question. I also said that it is too early to say whether there is even greater benefit. Those conversations are being had but I expect there will be into the future as well.

6.6 Deputy J.A. Hilton of St. Helier:

“Jersey should seize the opportunity of Brexit to consider greater independence from the U.K. and setting up the Channel Islands Confederacy with Guernsey.” Not my words but the words of the Minister for External Relations given in an interview recently. Can the Chief Minister tell Members whether the idea has been discussed within the Council of Ministers and indeed whether he has discussed it with his counterparts in Guernsey?

Senator I.J. Gorst:

The Deputy will know. She has just had her urgent oral question asked by somebody else and there is an urgent oral question to the Minister for External Relations in exactly those terms. But it is a very serious question. The Minister will very shortly tell the Assembly that they were not the words that he used. He did not use the word “independence”. He did not use the word “sovereignty” and he will also talk about our relationship with Guernsey. It is absolutely clear to me that throughout the Brexit negotiations, and we now know that the British Parliament have given permission through the passing of legislation, to allow the Prime Minister to trigger Article 50. It is absolutely clear to me that if we are to successfully navigate these negotiations - and I believe that we can and we will - we must strengthen our constitutional relationship with the United Kingdom. It is in good shape, as we stand here today, but we must strengthen it. We must build on it because our fundamentally important economic, cultural and customs linkage is with the United Kingdom. It has served us well for over 800 years and if we navigate positively building on that relationship I believe it can serve us well for another 800 years.

6.7 Deputy G.P. Southern:

Provided we have stability. Could the Chief Minister account for the figures revealed in the C.H.W. (Control of Housing and Work) licence process, which reveal that over the past 12 months 70 per cent of construction licences and registrations were accepted, 47 per cent in wholesale and retail, 65 per cent in hotels again positively granted licences or registrations but in the finance sector a whacking great 96 per cent were granted. It seems to me ... does he have an explanation for why it appears that when finance asks for extra positions it gets it and where other sectors ask they do not.

Senator I.J. Gorst:

This Government's policy is to allow inward immigration where it can be shown that there is value being created by bringing that person to our community. That value can be economic. That value can be social. These are the difficult issues that H.A.W.A.G. (Housing and Work Advisory Group) deal with week-in, week-out about managing the licence application process, about understanding what businesses are doing in our community, what benefit they are bringing and managing that, not only from an economic point of view but from a social value point of view. Therefore, it does not surprise me that the percentages are, as the questioner is saying they are, but what the questioner does is take simply percentages. There may have been a lower overall number of licences requested but the percentage of those requested licences approved could be higher than those in lower value sectors. So simply quoting percentages does not give the full picture but be in no doubt Ministers are saying no to businesses, week-in, week-out, if they do not meet the hurdle of bringing value either economic or social to our community and I think that is what Members of this Assembly want them to be doing. I think that is the criteria that Members of this Assembly want Ministers to be using when they are discussing with businesses when they are deciding on licence applications.

6.8 Senator S.C. Ferguson:

The Chief Minister talks of licences and how government can assess the value of licences to the various industries in the Island. Does he really think that civil servants and politicians can assess the value of licences and the profitability of various businesses in the Island? Does he not understand that government should not be making decisions about which industry to support?

The Bailiff:

Ten seconds, Chief Minister.

Senator I.J. Gorst:

I say it is a very good question. The truth is if we want to control migration, if we want to manage migration, we have independent assessments of those particular sectors of our economy provided by the Statistics Unit. If we want to do that we have to make these difficult decisions.

The Bailiff:

Thanks very much.

Senator I.J. Gorst:

But we think these difficult decision are to the benefit of our community and our future.

The Bailiff:

Thank you, Chief Minister. We now come to the urgent oral questions. The first of which Deputy Hilton will ask of the Chief Minister.

7. Urgent Oral Questions

7.1 Deputy J.A. Hilton of the Chief Minister regarding delay in the publication of the report of the Independent Jersey Care Inquiry:

Given the Independent Jersey Care Inquiry has announced there will be another delay in the publication of its report will the Chief Minister inform Members what information he has about the delay and when he is expecting the report to be published and will he confirm whether the Chief Minister's Department has been in dialogue with the Committee of Inquiry?

Senator I.J. Gorst (The Chief Minister):

As I said in answer to Deputy Lewis, the Independent Care Inquiry has announced its reasons for delaying the publication of its report and it is for the panel to comment on those reasons. Officers were informed on Thursday, 9th March, that there would be a short delay in the publication of the report.

7.1.1 Deputy J.A. Hilton:

Supplementary. I understand from the press release that new information had been received by the Committee of Inquiry. In Frances Oldham's closing speech, chair of the inquiry, she said that there would be no more communications with the panel and interested parties. Can the Chief Minister confirm that the States of Jersey or the Law Officers' Department has not been in contact with the Committee of Inquiry and the reason I ask that is she made it quite clear in her closing statement that there would be no communication with the panel and interested parties, and I would like to know if that has happened where does that leave the survivors and campaigners of the Care Inquiry. Where does that leave them because they would have adhered to what she said but it seems that information has been accepted even though I believe that that particular part of the inquiry closed in December 2015?

Senator I.J. Gorst:

As I understand it, the Committee of Inquiry and the panel are finalising their report to present to this Assembly. In my experience it would not be unusual for such a panel, when finalising what they would write in such a report, that they might not contact anyone who was connected or who had given evidence for further clarification of matters during that report writing stage. If they were to do so I would also expect such a panel, when publishing, to make that available to the public so there was clarity about any such further information or clarifications that they might have requested.

7.1.2 Deputy J.A. Hilton:

Supplementary. Is the Chief Minister confirming that there has been no further contact between the States of Jersey and the Law Officers' Department and the Care Inquiry?

Senator I.J. Gorst:

No. I am saying that, as I understand it, the panel have requested clarification of certain matters and again, as I understand it, that information is being provided. As I said, I would expect the panel, when finally publishing their report to this Assembly, that they would make it clear what it was that might have been requested with regard to clarification, be that from a States department or from anyone who may have given evidence to the inquiry.

7.1.3 Deputy J.A. Hilton:

Is the Chief Minister able to tell Members whether that information that has been submitted to the inquiry has been put on the website, the Care Inquiry website, because all the other submissions have been uploaded to the website? So I am interested to know, has that information been uploaded and if not has the Chief Minister any idea why not?

Senator I.J. Gorst:

As far as I am aware, it is not that any further submissions have been made. As far as I am aware, it is that the panel have asked for clarification in the report writing stage. I would expect that any information in that regard would be dealt with in exactly the same way as information was dealt with during the course of the evidence gathering period.

7.1.4 Deputy M.R. Higgins:

Can the Chief Minister confirm whether or not it related to the new Care Commission, the details of which have been put out? Has the Care Inquiry asked for details of that Care Commission as opposed to evidence of new ... in other words, Jersey is proposing a new Care Commission which has various implications; may have been part of the recommendations. Can the Minister confirm whether it is that or not?

Senator I.J. Gorst:

I do not involve myself in the operational matters of the Inquiry; that would be wholly inappropriate. As far as I am aware, it is not connected in the regard that the Deputy suggests. Do not forget the Care Commission has been a long time in the creation.

[15:00]

This Assembly passed legislation to create the Care Commission many months ago and it is a process which needs to be followed so that is not new information. It is information that has been in the public domain for a long period of time.

7.1.5 Deputy J.A. Hilton:

In the statement released on Thursday the Care Inquiry stated that the delay should not result ... it should not result in extensive delay. Has the Chief Minister any idea at all when the report will be published?

Senator I.J. Gorst:

Again, as I said, the officers were informed on Thursday, 9th March. That was the same day that the information was put into the public domain. I do not expect the delay to be very substantial at all. Previously the panel had suggested that the report would be published in the first quarter. I personally was of the view that if the report had not been published by either the end of February or the beginning of March it would collide with Easter and therefore realistically would not be published until after Easter. It would seem that my personal analysis of the timing may now collide with the reality of what the panel do.

The Bailiff:

We now come to the second urgent oral question which Deputy Labey will ask of the Minister for External Relations.

7.2. Deputy R. Labey of the Minister for External Relations regarding discussions with Her Majesty's Government about greater independence for the Island:

Thank you for allowing it. Given that External Relations common policy states that it is not government policy to seek independence from the U.K. and if the Minister for External Relations was accurately quoted in the *Jersey Evening Post* on Saturday, what discussions have taken place both within the Council of Ministers and with the U.K. Government to use the Brexit negotiations as an opportunity to pursue a policy of greater independence?

Senator P.M. Bailhache (The Minister for External Relations):

The Minister for External Relations was not accurately quoted in Saturday's *Jersey Evening Post*. I have spoken to the editor and he has confirmed that the article reflected a misunderstanding by the journalist of my comments. I did not use the word "independence" at any point during my interview and it follows that I did not assert: "That Jersey should seize the opportunity of Brexit to consider greater independence from the U.K." That was a very unfortunate and a significant misrepresentation of my position. My other comments regarding the development of Jersey's international identity have also been taken out of context. For the avoidance of any doubt, the Government of Jersey is not seeking any change to our constitutional relationship with the United Kingdom or to establish Jersey as an independent state. The matter of independence has naturally not been raised either at the Council of Ministers or with Her Majesty's Government.

7.2.1 Deputy R. Labey:

I thank the Minister for his reply and I must say I do have some sympathy with him not only because the Chief Minister rather stole his thunder with that bombshell but also because I, after having the question approved, did contact the *J.E.P.* myself and asked the very same question, did Senator Bailhache use the word "independence" in the whole of his interview and he never did one single time. So there you go. I mean no disrespect to the *J.E.P.* It was skilfully inflated, that story, to make the front page. I have been there myself. **[Laughter]**

The Bailiff:

Your question is?

Deputy R. Labey:

My question is: does the Minister think that being Minister for External Relations is appropriate and a good idea for the champion of independence for Jersey or a really bad ... the best ... the worst ... is it the worst position to be in as a champion for independence or the best position to be in?

Senator P.M. Bailhache:

I do not know how many times I have to say this publicly or in this Assembly but I am not a champion for independence.

7.2.2 Deputy M.R. Higgins:

As we are getting all sorts of clarifications and denials, could I ask the Minister for External Relations whether he believes in a greater confederation between Guernsey and Jersey even to the extent of some constitutional arrangement?

Senator P.M. Bailhache:

One of the accurate parts of the journalist's article was in relation to the importance which we attach to good relations with Guernsey and I did certainly have a discussion with the journalist about the possibility of resurrecting an idea about confederation, which had been floated some years ago and was indeed the subject of a conference in Guernsey. But that is really a matter for further discussion with our friends and colleagues in Guernsey and indeed with Ministers in Jersey. It is an idea but it is no more than that.

7.2.3 Deputy J.A. Martin:

I do sympathise with the Minister when you are misquoted. Would the Minister not agree though only, I think, 4 to 6 weeks ago this department had a communications officer dedicated to it and maybe it is better that the Minister has a script and then obviously he is entitled to have interviews but the script is important? Does the Minister agree that it is such an important message that we are not looking to use Brexit as independence, that the script should be maintained at all cost and then we would have something to defend against if the media, say, go rogue? Does he not agree?

Senator P.M. Bailhache:

I am not quite sure what I am being asked to agree. I do not think Ministers are puppets to be speaking to a script at all times when they communicate with journalists. Journalists ask sensible questions and Ministers have to give sensible answers on the basis of the questions that are put but I do agree that so far as the question of independence is concerned it is important that the position of Jersey's Government is very clearly understood. It has been articulated so many times that I find it difficult to see why there should be any confusion about it but it does still seem to exist.

7.2.4 Deputy A.D. Lewis:

The Minister will be familiar with various confederations that exist across the Caribbean, often they are quite loose and I am not suggesting that they would necessarily work here, but has he looked at those types of confederations to see what advantage there might be to the Channel Islands and has he had those sort of discussions with Guernsey and the other islands in the Bailiwick? We could fully benefit from some kind of confederated opportunity which may not necessarily be true confederation but using some of the ideas that have occurred in other parts of the world, particularly with small islands?

Senator P.M. Bailhache:

As Members will know, we have a joint Competition Authority with Guernsey. We have a joint Civil Aviation Authority and we co-operate in other respects as well. The question of whether those elements of co-operation should be taken further constitutionally is, for me, a very interesting question. Perhaps not quite so interesting for many others who are not constitutional lawyers but I agree that there are a great many models from around the world at which one could look. But at the end of the day it really depends whether both parties wish to join together in this kind of way and, as I say, I think we are a long way from that at the present time.

7.2.5 Deputy M. Tadier:

In the event of a wider confederation of the Channel Islands would the Minister be able to reassure parishioners of St. Ouen whether they would be likely to vote in St. Brelade or in St. Peter for it?

The Bailiff:

I do not think that falls within this Minister's remit.

7.2.6 Deputy J.A. Hilton:

Does the Minister believe a change in his title and office to that of Minister for Foreign Affairs would be beneficial in his dealings with the U.K. and European Union and have there been any discussions on the Council of Ministers in this regard?

Senator P.M. Bailhache:

My own view is that the term "Ministry of Foreign Affairs" reflects rather more accurately what the ministry does than Ministry of External Relations and externally the term "Ministry of Foreign Affairs" is more widely understood than the current title of the ministry. It is a matter which is under consideration. It has been discussed by the Council of Ministers and I can only say that no decision has yet been made but it is under consideration.

The Bailiff:

I do not think that really arose from the question either.

7.2.7 The Deputy of St. Ouen:

Can I ask the Minister for External Relations what contact he has had with the U.K. Justice Department to explain what has happened over the weekend? What did the Minister say and what has been the response?

Senator P.M. Bailhache:

I am sorry, is the Deputy referring to the *Jersey Evening Post* article?

The Deputy of St. Ouen:

I am.

Senator P.M. Bailhache:

I have not been in contact with the Ministry of Justice at all. I have no doubt that officials and Ministers in the Ministry of Justice will be well aware, as we are in this Assembly, of the creative impulses of journalists around the world.

7.2.8 The Deputy of St. Ouen:

Supplementary. Would the Minister not consider it advisable to contact the department and make the clarification which he has made to this Assembly today.

Senator P.M. Bailhache:

I have written a letter to the editor of the *Jersey Evening Post* and that will be published in the newspaper, I hope, in due course, and that will naturally be read by those in Whitehall who concern themselves with the affairs of Jersey. As Members will know, one of the officials from the Ministry of Justice is in the Island at the moment and I should be very surprised if a discussion has not taken place between officials in my department and that official on this subject.

7.2.9 Connétable D.W. Mezbourian of St. Lawrence:

That response from the Minister almost pre-empted the question which I was going to ask, so I have had to quickly formulate another one. The Minister told us that he had spoken to the editor of the *J.E.P.* and I would like to know whether the editor, when acknowledging that the words had not been used by the Minister during the interview, offered to retract or withdraw, or at least put an apology into the paper to make it clear. It seems to me it is inappropriate that the Minister has to write formally to the letters page of the *J.E.P.* to have the acknowledgement made for the public.

Senator P.M. Bailhache:

I think that the way in which the editor responds to this matter is a matter for the editor. I have certainly drawn to his attention the inaccuracies in the article and the editor has been good enough to acknowledge that those inaccuracies did exist. I should be surprised if there were not, in due course, a retraction published in the newspaper, but that must be a matter for the editor of the *Jersey Evening Post*.

7.2.10 Senator P.F.C. Ozouf:

We appear to be living also in a Jersey of fake news, and while you said it was not linked, the question by Deputy Hilton about the renaming of “External Relations” to being potentially “Foreign Affairs”, is linked to this issue about this independence subject. Would the Minister not confirm, or would he not observe, that there would be a worry, as I have picked up, that indeed calling External Relations “foreign” would mean that would give an indication that we are a sovereign state and therefore responsible for all our international affairs, seeking more independence, and does he not think that great care needs to be taken, that there are better priorities than simply changing a name? He can call himself “Foreign Affairs” if he wants, but “Foreign Affairs” gives the indication of the U.K. being a foreign country, and that would be a very

damaging thing to be sending out. It is the Foreign and Commonwealth Office in the U.K.; they do not even regard the Commonwealth as foreign. We should not regard the U.K. as foreign.

Senator P.M. Bailhache:

The Senator is perfectly entitled to his view but it is not a view that I share and nor, I must say, was it the view of the relevant Minister responsible for relations with Jersey when I discussed the matter with him some months ago. It may be interesting to recall that for many years we had a Defence Committee in Jersey.

[15:15]

That subsequently became named the Home Affairs Committee, but I do not think there was any question in the minds of officials in Whitehall or Ministers in the United Kingdom Government that Jersey was, as a result, responsible for its own defence. I think people take common sense approaches to these issues and the common sense approach is that, of course, the United Kingdom is not a foreign country in relation to Jersey, but what the Ministry for External Relations does, principally, is to conduct foreign affairs.

The Bailiff:

Final supplementary? That brings question time to an end. I have heard on 3 occasions since lunchtime, dings coming from the left-hand side of the Chamber. 2 of them have come from the Senatorial benches, one of them I thought came from the Connétables' benches. I just invite anyone who thinks they might be responsible, he or she, for a ding, to get in touch with the Greffier for the usual financial penalty.

Senator P.F. Routier:

I am not owning up to that, Sir.

The Bailiff:

Does that mean you are guilty then, Senator?

Senator P.F. Routier:

No, Sir. Just before we start Public Business, a number of Members have suggested to me that they might wish to perhaps adjourn a little bit earlier this evening because there is a function to go to. I was just indicating that I will probably call for the adjournment at 5.00 p.m., if people could keep that in mind.

PUBLIC BUSINESS

The Bailiff:

Very well. There is nothing under J. or K. and we come to L. - Public Business. Deputy Tadier, P.117, do I understand that you wish to say something about that?

Deputy M. Tadier:

Yes, Sir. I have just been in conversation with the Chief Minister and the Assistant Minister and it would be helpful to have further information about the exact agreement between Government and the BBC in writing, but also I have asked the Assistant Minister whether he might consider putting on a briefing for Members to give the exact detail, obviously from the perspective of Ministers. I would look to go ahead with that at the next sitting.

The Bailiff:

So you are withdrawing it today?

Deputy M. Tadier:

Just to defer it until the next sitting, thank you.

The Bailiff:

Deferring it. Thank you.

8. Funding for Family Nursing and Home Care services – petition (P.122/2016)

The Bailiff:

Then we come to P.122, Funding for Family Nursing and Home Care services petition, lodged by Deputy Southern. I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to note that 2,026 petitioners have signed a petition for which the Jersey Branch of Unite the Union is responsible and to request the Minister for Health and Social Services to maintain the present funding for Family Nursing and Home Care services until a funding-stream through the Long-Term Care (L.T.C.) Fund and Income Support Personal Care level 4 component is approved by the Assembly and put in place to cater for potential demand.

8.1 Deputy G.P. Southern:

It is an absolute delight that I have had this petition accepted by the Minister for Health and Social Services and I thank him for doing that. However, he does say that he supports the proposition on the basis that he has already set in train the actions suggested. While that is the case, things are in train, things are not completed yet and I just wish to make a few remarks about what is yet to be done this morning and to warn him that I will be keeping a sharp eye out to make sure they are done in a timely fashion so that we do get to the end of 2017 with a smooth transition. However, there are a number of issues that need to be done. We heard this morning from the Minister that the contract had finally been signed by both sides. I just noticed the Minister's light; I thought he was trying to interrupt, but never mind, no. The first thing to say is the Minister this morning said the new contract between Family Nursing and the department had been signed, however I have yet to see it this morning. I just remind people of how that contract came about. In my report to this petition it says: "In the contract meeting of 29th July 2016 it was agreed that the 2017 service specifications would be finalised by 31st October 2016 with the funding to be agreed no later than 30th November 2016." Members will notice that this requires some rapid decision-making, some rapid decisions, and agreements need to be made in order to secure funding for 2017. The funding has been maintained, that part is fine, however, this particular bit of my report goes on to say: "Full funding of district nursing services: formula to be agreed." Not agreed yet: "Full funding of Children's Services: formula to be agreed. No further funding for Home Care services, no continuation of the current subsidy." Now, obviously, at only a matter of months' notice, that is impossible, almost, to predict what you can do and cannot do with your funding pulled, not quite at the last minute, but certainly quite a short distance from 2011. So at the moment, until we see the contract as it occurs, we are left with a budget that says £6 million, or thereabouts, for district nursing, home care, Children's Services, health visiting, school nurses, community paediatrics. It is a lump sum; not broken down, no service level agreements yet to be seen. Plus around £1 million Rapid Response and Reablement, which was a recent move that has been negotiated, service level agreement is in place. Sustained home visiting; again service level agreement on those 2 newish elements which we are sifting our way through. Total funding, £7 million, of which £6 million

arrives as a lump sum. We are told that has been agreed and partitioned and the formula has been agreed. Well, we hope so, and we look forward to seeing it. That is one thing out of the way, so a proper service level agreement could be in place. Secondly, the other issue I think that needs mentioning is that what we have got is almost a 2-tier system for the provision of home care, and support people in home care. We have got the old-fashioned income support scheme which says if you need personal care you can apply for personal care on a sliding scale, Scales 1 to 3. Personal care 1 gets you £20 worth of additional funding, level 2 gets you £100 worth and level 3 gets you £150 worth of funding to cater for a personal care need. It is noteworthy that this is assessed, as a result of a 26-page assessment form, by members of the Social Security Department, effectively, and the funding comes from tax-payers funding; it is part of income support. The benefit that derives, the personal care benefit, does not have to be spent on a particular care service. You can use it as you wish; it is your money. On another level, as the need increases beyond the £150, in the next gap, £150 to £350, then that particular element is assessed by Social Services staff using a different assessment mechanism, and is funded from the long-term care fund and can only be used to provide services to a recognised provider of care. So 2 very different methods of assessing low level and higher levels of need and funding to meet that need. Different staff, different funding mechanism, different assessment. There has been no check made yet whether, in fact, there is a smooth transition between level 3 of one system and what I am calling level 4, the flexible care, slightly above that. Is that a wide gap or does it even overlap? Does one assessment of 3, as you need, match another assessment, a completely different assessment by different people, of 4? It needs checking to see whether everyone is still covered and no one is doubled. That has not happened yet. Nobody has taken a sample of potential cases and said: "Yes, using level 3 they arrive there. These people with more demand, more need, are level 4 and are assessed there." That is something that needs assessing before the end of the year to make sure that we have met the need, and smoothly, so that there is not an overlap or there is not a wide difference between levels 3 and 4. Finally, as I said in my report at the time, we need a resolution on staffing issues, including potential redundancies and changes to terms and conditions which require negotiation and agreement between Family Nurses' management and Unite the Union. Here, we have a serious problem because we are talking about some 60 home healthcare assistants and some 160 healthcare clients who are currently having their healthcare through district nurses. At the time, back in November, the Family Nurses management were warning that this would entail major reductions in the terms and conditions of its workforce. The contracts that have been offered, to be agreed in the next fortnight, so fairly short notice here... if you do not sign up to the new contract then you are expected to work 3 months training up what is likely to be your replacement. It seems to me that mechanism is open to challenge, and certainly the union will be challenging that is not a redundancy because the service will continue and the need for staffing of that service will continue. The question is: is that some form of continuation of contract that should not be marked by redundancy? When you start to look at these contracts you will see that the whole approach of Family Nurses has been torn apart. For those fully-qualified nurses and other healthcare assistants elsewhere in the system, like the Rapid Reablement service doing very similar work, the old terms and conditions are maintained but, for these 60 workers, their terms and conditions are going to be vastly reduced. As I keep saying, although the Minister says it has got nothing to do with him, the net effect, I think you will agree, is that what we are doing is a race to the bottom. We introduced competition and what we have got are conditions which will be severely worsened for those workers. These are highly-skilled, highly-dedicated workers providing an essential service, and yet we are going to reduce their terms and conditions markedly. For example, in this draft contract it says here: "Your contractual hours are X per week, averaged over a 4-week period, and these hours will be worked between 0700 and 2300 Monday to Sunday. Hours will only be paid for the time care is actually delivered" so face-to-face: "Travel between appointments, or any other activity, will

not count towards your contracted hours.” So you could be working, let us say, a 5-hour shift in a day for which you are away from your home for 5 hours, 3 hours of which are contact hours.

[15:30]

It cannot be guaranteed where those 3 hours occur: it may be a morning shift, getting somebody up, it may be an evening shift, putting somebody to bed, and one in the middle where you are delivering medicines or bandaging; spread throughout the day. That is the sort of flexibility they are looking for now whereas it used to be you had your set hours, you knew where you were, you worked those hours. Occasionally there might be additional hours of overtime where you are covering for somebody else, but you knew where you were. Now, 4 weeks in advance, just plot your way in this flexible way through the demand.

The Bailiff:

Deputy, I have given you some latitude, but the proposition is about funding the Family Nursing and Home Care services and not about the terms and conditions of the employment of staff by Family Nursing and Home Care services.

Deputy G.P. Southern:

The Minister says that it is not his responsibility, but I am about to point out that this may cause a shortage of staff and that his intention to have a smooth changeover may well be driven off the rails by this major change because the Union, certainly, is looking to challenge this. Individual members, the 60 members whose conditions will be worsened, face a choice of refusing to sign the new contracts and going, or signing the new contracts and training up a fresh set of people to take over their jobs in the 3-months' notice. It seems to me that the risk here is that many will leave without the trained replacements in place and, worse still, faces that have been familiar and are comfortable for the client will be changed. This could be 160 clients with changed staff, many of them elderly, reluctant to see a stranger; that is a problem: that it may be difficult for the Minister to ensure that this continues. We have got variable-hour contracts introduced with no travelling time payment in between. For many of these staff, because there is a lot of travelling involved, it will cost them perhaps £3,000-plus a year in terms of absence of travelling costs and, above all, not getting paid for anything but direct contact. They are asked to leave the P.E.C.R.S. (Public Employees Contributory Retirement Scheme) pension scheme. This might have consequences on the scheme itself; it is a significant loss of staff. Sickness has been reduced from 6 months on full pay to 6 months on half pay to 4 weeks. Annual leave, reduced from 25, plus Bank Holidays, down to 20. Maternity leave, 2 weeks' full pay, statutory, 10 weeks at 90 per cent, reduced from 18 weeks' pay, as was. Finally, £1.25 payment per visit instead of £0.54 a mile; a significant difference to what is going on now.

The Bailiff:

Deputy, I am sorry, I must pull you back. This is a proposition about funding for Family Nursing and Home Care and ...

Deputy G.P. Southern:

Yes, Sir, and I am coming to the end, so thank you for your forbearance. Finally, working weekend rates and wage rates all reduced by about 10 per cent, and the weekend rates also reduced significantly. There will, I believe, be trouble and there may be trouble ensuring that the changeover from the old system of Family Nurses being subsidised to the new system of 20-plus providers of care in the home, including Family Nursing, that transfer may well be made very rocky, very bumpy by the fact that this new contract and the new conditions of service will not meet the needs of the staff involved and that there may be problems coming ahead for the Minister. Having said that, I will sit down and await comment.

The Bailiff:

I am not sure which proposition I am asking to have seconded, but let us take the written proposition. Is the proposition seconded? **[Seconded]** Minister?

8.1.1 Senator A.K.F. Green:

I will try and cover points made by Deputy Southern. Deputy Southern's proposition is about Family Nursing and Home Care, it is a much-loved local organisation which I think, Members would agree, does a sterling job across our community. **[Approbation]** I have no difficulty in accepting the written proposition that the Deputy has put in front of the Assembly; he has requested me, as I said before in my comments, to do something that I had already announced before this proposition was lodged, and also made comment in the joint statement between myself and Family Nursing. My department has worked with Family Nursing and Home Care for many years and continues to do so. They are a key partner in securing good health of Islanders and their work is greatly valued. This year we are funding, as the Deputy said, the organisation to the tune of some £7 million. We have agreed a contract with Family Nursing; it was a fairly prolonged negotiation around some of the detail but both parties signed on Friday. On a confidential basis, my department will be sending a copy of that contract to the Scrutiny Panel. We are also putting in place working with colleagues in Social Security, and this is probably the second part of what the Deputy was talking about, a new income support component to assist those households who may face challenges in paying for an assessed package of lower level of long-term care. There has been, or there is, a gap between the level 3 and the long-term care at the present time. If you want to help the people that fall within that gap then support the proposition that the Minister for Social Security will be bringing forward later on, legislation which will then allow for the regulations to come later. But I do not want to steal that Minister's thunder. The first element of that law, as I said, is necessary to deliver new initiatives being proposed and I am very grateful for the department and the Minister's help in this. Family Nursing will receive £5.6 million for direct district nursing services and health visitors. They will receive £655,000 in funding fully the rapid response scheme which keeps people either out of hospital, in their home where they told us they want to be, or gets them out of hospital earlier where they say they want to go home. We are funding reablement, a new part of the service, with Family Nursing delivering that service for £200,000. We are fully funding the Children's Services that Family Nursing provide; for example the baby clinics and the like. The organisation continues to have a very important role in delivering services for us, but it has to be stressed the nature of the service is changing. While the Deputy gives the impression that there is wholesale change throughout Family Nursing, the part of the organisation that has experienced change is the part that provides the home care element, the domestic element. That is partly because there is less demand for it, it has, by the organisation's own admission, reduced significantly over the time. We have to ensure that we are providing a modern service that has greater emphasis on high-level care, such as Rapid Response and Reablement, that maintains independence of skills for longer - that keeps people feeling confident about them being able to live in their own homes - something that time and time again Islanders have told us they want. Funding the organisation in the past traditional way is no longer appropriate, but I am happy to maintain the levels of funding according to the contract and, because there may well be a delay in ensuring that the new component coming in from Social Security, and that being delivered and the need to ensure continuity, and I have said on more than one occasion that I am prepared to ensure that any gap is maintained. We have got a plan now to maintain that until the end of this year. I believe we will achieve that within that time period but I have agreed that we will maintain it to the end of this year and, if we need to do it a bit longer, we will. I hope we will not. Since 2014 the long-term care legislation provided support, as I said, for those needing long-term care. However, individuals with care needs a little below fell between the gap, and these are costs not covered by the long-term care benefit or the highest income support personal care component. Therefore that gap in the

arrangements we currently have must be plugged and, to remedy the situation and to assist Family Nursing, who may find it difficult to meet those costs, I have given my absolute assurance that we will provide that money in the intervening period. What we have got here is an exciting opportunity that will expand the facilities, the potential for people to live in their own homes, of the less well-off households and give them the financial assistance to be able to pay these costs if they need it. Low income families need support and Social Security is best equipped to provide that support. Social Security has the I.T. (information technology) system to support administration of this new benefit and my department will transfer across, once it is all agreed, the part of the budget that it currently holds to meet that benefit cost. In conclusion, everybody will be subject to assessment of their long-term care needs to establish their care package. There will be greater choice for those seeking to remain at home. All formal care would be provided within an open market. Everyone will contribute to the cost of their care package, where they are in a position to do so, and means-tested financial assistance will be available for those who cannot afford to do it. I know the Deputy has made a big play on the changing conditions of services for, not nurses, but those in the home care part of the system. As long as Family Nursing do it in line with best practice, in line with current legislation, Family Nursing have to be able to determine what services they provide and how they provide them. So I am happy to support the Deputy in ensuring that Family Nursing have the funding that they need, as we have agreed, but I disassociate myself with some of his other comments regarding the employment issue.

The Bailiff:

Does any Member wish to speak, bearing in mind that the Chair will keep the debate to the proposition from now on? Do you wish to reply on the terms of the proposition, Deputy?

8.1.2 Deputy G.P. Southern:

I do wholeheartedly agree with the Minister that Family Nursing and Home Care is indeed a much-respected institution but I think the continuity that he insists on promoting is not covered, I do not think, by this gap between level 5; call it level 3 and level 4, with the flexible new unit. I think there may well be some teething problems there in getting that bit right. It is the first time I have heard that the open market, the free market, as it were, produces a rise in cost rather than competition producing a reduction in cost. It is probably unique in that sense. I maintain the proposition.

The Bailiff:

Would all those in favour of adopting the proposition kindly show ... the appel is called for. I invite Members to return to their seats.

[15:45]

The vote is on the funding for Family Nursing and Home Care Services - petition, and I invite the Greffier to open the voting.

POUR: 37		CONTRE: 0		ABSTAIN: 0
Senator P.F. Routier				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Senator S.C. Ferguson				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				

Connétable of St. Lawrence				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

The Bailiff:

Can I just announce to Members that the Draft Employment of States of Jersey Employees (Amendment No. 8) (Jersey) Regulations 201- P.11/2017 (reissued), has been lodged today. Also the Draft States of Jersey (Amendment No. 9) Law, lodged by the States Employment Board; and the Draft States of Jersey (Amendment No. 9) Law lodged by the Privileges and Procedures Committee, P.18. Members will also have seen the Public Lotteries Report for 2016.

9. Draft Criminal Justice (Compensation Orders) (Amendment No. 3) (Jersey) Law 201- (P.2/2017)

The Bailiff:

We now come to P.2/2017, the Draft Criminal Justice (Compensation Orders) (Amendment No. 3) (Jersey) Law 201- lodged by the Chief Minister. I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

Draft Criminal Justice (Compensation Orders) (Amendment No. 3) (Jersey) Law 201-. A Law to amend the amount of compensation to be paid under a compensation order made by the Magistrate's Court or the Youth Court. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

The Bailiff:

Chief Minister, do you wish to propose the proposition?

Senator I.J. Gorst (The Chief Minister):

Sir, I would like to ask Senator Bailhache to do that, please.

9.1 Senator P.M. Bailhache (The Minister for External Relations - rapporteur):

This draft *projet loi* has been brought forward by the Legislation Advisory Panel on behalf of the Chief Minister, and it would increase the amount of compensation that the Magistrate's Court could order in an appropriate case. When the Criminal Justice (Compensation Orders) Law was first adopted in 1994, the amount of compensation that could be ordered to be paid by the Magistrate's Court was £2,000. That was increased by regulations to £5,000 in 2000 and this amendment to the law would link the amount of compensation which could be ordered to be paid by the magistrate to level 3 on the scale of fines under the Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016. Therefore, whenever the level 3 figure was increased by the Assembly in the future, that would automatically increase the amount of compensation that could be ordered to be paid by the magistrate. I move the principles of the Bill.

The Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? Those in favour of adopting the principles, kindly show. Again, the principles are adopted. Do you move the Articles *en bloc*?

Senator P.M. Bailhache:

Sir, I move the Articles *en bloc* in Second ...

The Bailiff:

I am sorry, Scrutiny; I should have asked Deputy Le Fondré.

Deputy J.A.N. Le Fondré of St. Lawrence (Chairman, Corporate Services Scrutiny Panel):

It is all right. No, thank-you, Sir.

The Bailiff:

No, I did not think so.

9.2 Senator P.M. Bailhache:

I move the Articles *en bloc* in Second Reading. They give effect to the proposals that I described when speaking to the principles of the Bill. I should be happy to answer any questions that Members might have.

The Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak on the Articles? All those in favour of adopting them, kindly show. Those against? The Articles are adopted. Do you propose them in Third Reading?

Senator P.M. Bailhache:

I propose them in Third Reading.

The Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak? Those in favour of adopting the bill in Third reading, kindly show. Those against? The Bill is adopted.

10. Draft Water Pollution (Amendment No. 3) (Jersey) Law 201- (P.3/2017)

The Bailiff:

We come now to the Draft Water Pollution (Amendment No. 3) (Jersey) Law 201- lodged by the Minister for the Environment. I ask the Greffier to read the citation of the draft.

The Deputy Greffier of the States:

Draft Water Pollution (Amendment No. 3) (Jersey) Law 201-. A Law to amend further the Water Pollution (Jersey) Law 2000. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

10.1 The Deputy of St. Martin (The Minister for the Environment):

Under the Water Pollution Law 2000 I have, and indeed previous Ministers have had, the aim of improving the quality of water in and around Jersey. This is an objective which I can assure the Assembly I take very seriously and Members will, I hope, have observed my efforts working alongside the whole of the agricultural industry and Jersey Water over the last 18 months to finally start to get to grips with this issue. Under the law, this improvement of the quality of water is to be achieved through the prevention, control, reduction and elimination of pollution of controlled waters, waters which include both surface water and ground water. Just to clarify, if I may, for Members “pollution” in this sense includes the introduction, directly or indirectly, into controlled waters of any substance where its introduction results, or indeed is likely to result in, certain consequences, which include, first, a hazard to human health or water supplies, secondly, harm to any living resource or aquatic ecosystem, thirdly, damage to any amenity or, finally, interference with any legitimate use of controlled waters. As a result of the implementation of the law and other measures that we have undertaken, water quality has improved in Jersey since the millennium, when the law was passed. However, the Island’s waters are still in need of further improvement. This is mainly due to the application of pesticides and nutrients to the land. Pollutants such as these come from what are known as diffuse sources or, to refer to the law, indirect sources. This form of indirect or diffuse pollution is caused by a variety of activities. It has a cumulative effect so that individual impacts that may be relatively small can collectively be very significant. It is therefore difficult for any of the existing already-implemented provisions of the law to be brought to bear on this problem. It is these activities that are problematic and therefore it is these activities that need to be more heavily controlled. The *Water Management Plan for 2017 to 2021* is a 5-year strategy to address some of the challenges for the water environment of Jersey, and Members will recall I presented this plan to the Assembly in December last. The plan has identified the need for controls to be imposed on certain activities that are associated with inputs of diffuse pollutants; pollutants that have a detrimental impact on the quality of controlled waters. I am therefore intending to now implement some additional controls under part 3 of the Water Pollution Law. Implementing these amendments will allow the Minister to have a more appropriate regulatory response to the problem of diffuse pollution. In the first instance, I intend to designate 8 water management areas. I then intend to apply a range of controls that will initially cover the whole Island throughout each of those 8 water management areas for businesses undertaking specified activities. However, as the law currently stands, States Regulations would be required before part 3 of the law could be implemented. Having had the benefit of having 17 years’ experience of the operation of the original Water Pollution Law, we are now clear as to how we wish to deal with the issue of water management on the Island. I believe that the necessary detail can be adequately dealt with by Ministerial Order. In that way, it will not be necessary for the Minister to come back to the Assembly to change States Regulations every time it is proposed to alter the controls for the prevention of water pollution. This change will also allow for much quicker response times to potential issues of diffuse pollution that may occur, a change that I feel will allow for necessary and

proportionate responses. Therefore, the draft amendment law, if enacted by the Assembly today, simplifies the process of introducing any necessary controls. In summary, the amended law will mean that in future controls on activities that may cause diffuse pollution can be introduced solely by Ministerial Order rather than, at present, via a combination of States Regulations and orders. Members may, quite rightly, be concerned at this point about the ability of the Minister, or any Minister in the future, to make changes by order but, if this amendment is accepted, I would like to reassure the Assembly that for my, or any future Ministers' ability to impose such controls, they will be subject to 3 important safeguards. First, any proposal made in the future to introduce water management orders will have to be publicly advertised and those with concerns will have the opportunity to make representations to the Minister beforehand. This is in addition to the existing requirement under the law that the Minister must consult with the other relevant Ministers and stakeholders before introducing such orders. Secondly, the range of activities that I will be able to control that were previously to be specified by States regulation will, in future, be contained in the law itself. The controls will be limited to those very clearly set out in the new Article 14. Finally, a new defence of due diligence will apply in respect of the offence of contravening water management orders. This defence is linked to the compliance with an approved code of practice under Article 16 of the law, which provides practical guidance to those involved with the use and application of, for example, fertilisers. So a farmer will not be guilty of an offence if he or she can prove they were following the approved code of practice. Since I became Minister, Members will have heard me speaking publicly on many occasions about tackling this issue. I believe that we have given ample time to address the problem of diffuse pollution, particularly through solely voluntary measures, measures which I regret to say have not been 100 per cent entirely successful. Nevertheless I have an excellent relationship with both the farming community and Jersey Water and I would like to take this opportunity to thank them publicly for their efforts in the last 18 months to engage and address this vital subject. I intend, indeed I commit, to continue to work with everyone involved with water issues to put in place even more voluntary controls, which is something that the Assembly can be reassured is proceeding well. However, I am satisfied there is also a requirement for statutory controls since clearly there is the possibility that some stakeholders may not otherwise take the required steps to prevent pollution. These amendments will be for the good of all those who are dependent upon the Island's water supplies being of sufficient quality and being available in sufficient quantity; in other words, all of us, everyone on our Island. These are to my mind hugely important changes and I therefore commend the amendment law to the Assembly and propose the principles.

The Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles?

10.1.1 Deputy J.M. Maçon:

Just regarding the automated ability, the Minister said it would give his department the ability to act quicker on duties that arise. I wonder if the Minister could give us a bit more detail and examples of what he meant by that so we can really understand what this has been designed for.

10.1.2 The Deputy of St. Mary:

As a member of the Environment Scrutiny Panel we had the benefit of presentations by the Minister, his officers and by Jersey Water as to the need for these provisions and generally speaking we very much appreciate them and see the need for them. That said, concerns have been raised in certain quarters about the provisions as to contravention of such orders and the point being that as these provisions do come in by order is there any possibility of someone contravening them without knowledge of their existence? I think I can anticipate what the Minister will say in reply, and he has already alluded to it, but my understanding is that given the interaction between the

Water Plan and the Rural Economy Strategy measures will be in force to ensure that all farmers are members of the L.E.A.F. (Linking Environment and Farming) accreditation system or similar. In consequence there is no way they will not be in dialogue with the department as to the requirements. If that is the case then I think the panel are suitably assured there is no way that a member of the industry could unwittingly fall foul of these provisions, but perhaps the Minister would kindly address that point in his summary.

10.1.3 Deputy K.C. Lewis:

This is a subject that interests me greatly, the anti-water pollution laws. We have had trouble in the quite recent past with oxadixyl, glysohate, nitrate, not to mention P.F.O.S. (perfluorooctane sulfonate) and this is something that has my full support.

[16:00]

We are well over 100,000 people now living in Jersey and our fresh water supply is absolutely crucial and this does get my full support.

10.1.4 Connétable J.E. Le Maistre of Grouville:

Can the Minister confirm that he has consulted with the industry and that they are supportive of these proposals as they wish to be a responsible industry?

10.1.5 Deputy J.A.N. Le Fondré:

If I have understood it correctly a lot of the initial focus of this is on fertilisers and the impacts of those sorts of substances into the water supply, not only the ground water. Is there any intent in the foreseeable future to bring in further regulations or abilities to control other sources of pollution into the ground water supply and mediate?

10.1.6 The Deputy of St. John:

I would just like to firstly thank the Minister for bringing these amendments forward to the Water Pollution Law. I would like to ask why it has been 17 years for it to come to the States Assembly and gratefully receive the Water Management Plan, particularly due to being on the Environment, Housing and Infrastructure Scrutiny Panel and we have been briefed on these particular issues. One thing that does concern me that has been raised time and time again in briefings and meetings with the Minister for the Environment is the issue of resource and in here I notice that when amending the law and when it is enacted it will not have any financial or manpower implications for the States. It is envisaged however that the implementation of the orders pursuant to the amending law will require one F.T.E. (full-time equivalent) to deal with advice and regulatory activity which is being proposed in the Water Management Plan for Jersey 2017 to 2021? I would like to understand from the Minister if there is a lot of good work going on behind the scenes from the Minister's department in terms of trying to achieve the appropriate expectations of whether it be water management or Rent Safe or all the safety areas within our ever-complex world that we live in. I am concerned that the Minister, although doing everything he can with the right intentions within the law, will not have the necessary funding or resources to support the enforcement of this legislation going forward. When reading the legislation in further detail I am concerned that the way it is worded will make it less likely that any enforcement will happen because of the ability to prove under the amendment that you have taken every precaution necessary to ensure that you are not polluting the water. This takes me on to the final question I have of the Minister with regards to the fine and the imprisonment. I know the 2000 law refers many times to imprisonment of 2 years and this one particularly refers to it again with replacing Article 15. But if you refer to Water Management in other jurisdictions usually the maximum imprisonment you are looking at is approximately 5 years. I wondered why the Minister sees it fit as 2 years' maximum imprisonment

and whether any enforcements have come about under the law as unamended before this amendment coming forward to the States today.

10.1.7 Deputy J.A. Martin:

I have just a couple of questions also for the Minister. A slight confusion probably I read in the wording on page 5 under the Draft Amending Law which says now: "Controls on activities that can cause pollution will be introduced solely by Ministerial Orders rather than at present via a combination of States Regulations and Ministerial Orders." I understand where the Minister wants this to go but regulations are here and we can always debate regulations in the House. The other orders that I always understood are normally on the Order Paper and can be only basically rescinded by the States after you get so many days to do it. Are we talking about a completely different order, which I think we are because it is now under Article 14, a new Article? But the Minister said in his opening remarks that there are safeguards and on bullet point 1 he says: "Proposals to introduce Water Management Orders will have to be publicly advertised and those with concerns will have opportunity to make representations to the Minister beforehand." Does he mean before they are made, before they are enforced, and what is the time limit? I really do not want to make life difficult for the Minister but it is just on reading this I do have some concerns. Then under the last question, and I know it is a post and I know it says "financial manpower" and it will be one full-time equivalent but it does not mention a ballpark figure. Is there somebody doing some filing or somebody with some real expertise, which obviously will make the difference? Hopefully the Minister can answer those questions and, as I say, I am not trying to be difficult but when we are trying to make things more speedy, as the Deputy of St. John was saying, and we are relying on laws and new articles, will this really happen and does that just take more things to the Minister? I think he should be looking for ... is it not a Ministerial Decision going to be having and not an order. There is the confusion. I think it just may be the wording.

10.1.8 Senator L.J. Farnham:

I just wanted to acknowledge the input and engagement of the farming community and the agricultural sector. I think the Deputy of St. Mary and the Constable of St. John mentioned the Rural Economy Strategy and, of course, this does work hand in hand with the Rural Economy Strategy which is about delivering sustainable farming. While I cannot say with my hand on my heart that the whole sector wholeheartedly agreed with it, what I can say is the vast majority now are starting to either farm or think about farming more responsibly and this is coming through. It is very difficult, very challenging for our farmers because we do not have a big land mass. Most of our farming is above a water table and that is why our pollution levels differ from large tranches of land in the U.K. or Europe and I would like it recognised that our farming community is embracing and engaging with this. In fact I am not aware of anybody who is totally against this. I think everybody sees that it is in the benefit of their industry for them to comply and work as closely as possible with the Department of Environment and I just wanted the Assembly to be aware of that.

10.1.9 Deputy M. Tadier:

I do not think Jersey can be the only place in the world that has farms above the water table. Just thinking about it I think Jersey has a relatively low altitude compared to other places in the world. I do not think anywhere in Jersey is more than 150 metres above sea level but perhaps that is just an observation. I am sure it is something that other countries struggle with as well. First of all, if I may, I would like to ask the Solicitor General a question relating to the due diligence defence. Could he just explain a bit more about what that means and how it relates to this particular amendment the Minister is bringing forward, both in legal interpretation but also in practical appliance before I continue?

The Bailiff:

Under Article 15, paragraph 2.

The Solicitor General:

As I read it the burden will be on the defendant to establish that he or she took all reasonable precautions and exercised due diligence to avoid the commission of the offence. Then importantly there is an approved code of practice which is admissible in evidence as to whether or not on the facts the person has succeeded in establishing that defence. So, the contents of the approved code of practice are specifically the point that the court is directed to focus its mind on as to whether the defence is established on the facts. In terms of the practical application I think it is difficult for me to speculate at this stage because I am not aware of what the approved code of practice will say. I am not sure I can help further at this stage.

Deputy M. Tadier:

Thank you, Solicitor General. I think that is useful clarification for me before I go on. I do not know if I have this right but it seems to me if we use an analogy by way of illustration that if I am driving along, I have an accident, I head into the back of another car and it is my fault, and if I were to say to the ... went to the Parish Hall, for example, and they said: "You were driving with undue care and attention" and I said: "I was not, I was following due diligence. I looked in my mirrors, I made sure I did all the basic things, I had my seat belt on." They might say: "Yes, you are right, there is not enough evidence therefore to convict you of this but you are still liable for the collision." Then the insurance will pursue me for that so it will become a matter between me and the other driver and I would still be liable. A question for the Minister when he sums up is if the due diligence defence can be put that does not mean that the individual is still not responsible for the pollution. If you say: "Look, I followed all the requirements, I have my training, I have the certificate, I applied the fertiliser in a certain way" or whatever the pollution that arises might be, the pollution is still there and it is still caused presumably by the person who did it, albeit with the best checks and balances. Accidents do happen. Does that mean that the individual is still responsible and does that mean they have to pay for any clean-up or are they subject to a fine or can they say: "It is not my fault; I did not mean for it to happen. It is just an accident." I am not too sure about how the due diligence comes into play there. Perhaps I have completely misunderstood it but that is one of the areas I am concerned about in practical terms. I do have a specific question of whether or not it will apply also to the non-commercial sector. I think Deputy Kevin Lewis has raised it. I have particular concerns that have been flagged-up with me to do with the glyphosate, which is a product that can be bought over the counter at places like B&Q, for example, so a member of the public, any of us, could go in there and buy this product that contains glyphosate without any training about how to apply that. Clearly it is potentially a pernicious chemical. It has been linked to cancer and other illnesses, especially if it has been heavily used. While on the one hand we might try to blame farmers for application at least they have to have certain training and qualification in the application of pesticides, which cannot be said for the general public. Does this give the Minister the ability to ban things like glyphosate and products like Roundup, which contain glyphosate, and will he be looking to use that power to do that? Lastly, it is just a general point to make, I understand that this has been deemed necessary, these new changes to the law, but it has to be said that in the past the Minister has had powers to deal with pollution. For example, we know that consistently in recent years very high levels of nitrates in Jersey have been a perennial issue and that consistently Jersey Water has had nitrate levels above the 50 milligrams permitted, to the point where they have to blend water to get it below that and that is a very worrying trend. Rather than the Minister - not just this Minister but Ministers historically - taking action against Jersey Water, who might in turn take action on farmers, we have had the preferred option of issuing a dispensation to Jersey Water to allow them to what I would call poison the water, poison our residents and constituents with unacceptably high levels of nitrates. I am saying

that if this does represent some kind of change in the Minister's attitudes, I know he is not somebody who is overly confrontational, who likes to maintain good relations wherever possible, both with farmers and the water company, he is essentially in a quasi-position of being a regulator when it comes to Jersey Water. I would like to see with these new regulations coming forward that there would not simply be just the light touch approach but when there are contraventions they are dealt with in a proportionate manner because these are very serious issues. It cannot be correct that we have one law for one person so that a member of the public who parks on a yellow line gets a £100 fine whereas a water company who is consistently having nitrate levels above the acceptable levels just simply gets told: "Do not worry about it, you can have a dispensation." I would like to see in future much more serious attention to the way we treat the water and the way we treat the environment in general.

[16:15]

Perhaps finally the Minister can talk about his comments more widely on how this fits into a wider policy of preventing ecocide and the possible introduction of a more general ecocide law.

The Bailiff:

Does any other Member wish to speak? I call on the Minister to reply.

10.1.10 The Deputy of St. Martin:

I thank Members for their great interest. I think I would like to start with Deputy Tadier, if I may, because I am very, very disappointed by some of his comments. Where can I start? Nitrates; if Deputy Tadier has some information that shows nitrates are harmful for your health I would like to see it. He is insinuating that we are poisoning the ground with nitrates and while we say that nitrates are not the best thing in the world and they do not help green lettuce growing in St. Aubin's Bay, there is no evidence that shows they do your health any harm. I am disappointed that he raises that issue and associates the word "nitrates" with poison. I am even more disappointed that he raises the issue of the chemical at the non-commercial sector, and glyphosate, because he links glyphosate with cancer and being carcinogenic. Yet, if he looked at the evidence he would find it is in the same class as red meat and red wine when it comes to the likelihood of giving you cancer, so I am extremely disappointed that he links again that particular chemical with cancer. He could have picked on any other number of chemicals and other issues that to my mind are far more serious and I would tell Members that I spoke only last week to Jersey Water in great detail about glyphosate and the use of it in the countryside and the importance of it in the big, long list of priorities when it comes to cleaning up our water. The Deputy also refers to due diligence and I would like to say to him that this is an interesting part of the law, but in the same way that it is difficult to prove that you have not done the pollution it is also very difficult to prove that you have when it comes to defused pollution. If we find an area of water has been polluted by too much chemical it may well be that there is any number of people who have been using the same chemical in the large area around that water source and it may be very difficult to prove which one of them is responsible. But the idea here is to say to farmers: "If you follow the code of conduct and you do that correctly you will not be liable." I would very much like to hope in the future that we will not find it necessary to take those measures and I would say to the Constable of Grouville his question referred to consultation with the industry. I would say to Members that some years ago now we formed a group called the Action for Cleaner Water, which was put together as members of the industry, as a member of the farming industry, Jersey Water and the department to look specifically at all the issues. This group which has been put together came from something called the Nitrate Working Group and that was a group of the same people who looked at the nitrate issues on the Island. I make the point for the Constable because yes, we have for a considerable amount of time now had a constructive dialogue between the industry, between the farmers, between Jersey Water

and between the department and these steps have been done with the full knowledge of the people working in the industry. That takes me very cleanly to the question from the Deputy of St. John about enforcement and I would say to the Deputy, yes, we are putting the powers at my disposal to help the big stick in my back pocket if I need it. But I very much hope that in the future it will not be necessary because as with many things it is education that is the secret here, working with the industry and getting the people who work on the land to follow the codes of conduct. I would very much hope in the future that while I expect the Assembly to back me today in putting these orders on place I hope very much that I will not ever need to use them. But I do think they are necessary to have in my back pocket, should that be necessary. I cannot answer the Deputy as to why it has taken so long for this to come to the House but all I can say is I am glad I am the Minister who has brought it here and I very much hope I will get it over the line this afternoon. As regards why it is only 2 years, I think I am correct in saying that is probably the maximum the Magistrate's Court can put in place. I think that is the reason for it that can be dealt with in the Magistrate's Court. No, it is not **[Aside] [Laughter]** ... so I will have to get back to the Assembly. I am trying to think of the reason why it is only 2 years but I cannot for the moment say about that. Deputy Maçon spoke first and asked about speed. Well, I accept that in the current law I have the ability to make some orders but there is also room for some regulations which involve lodging Law Officer advice and then waiting for prescribed periods and what have you. This will allow us to work a lot faster, but in response to the question about the ability to advertise the intention would be to put the orders into the *Jersey Gazette* and on to the department website so people can see what is coming. Only once there have not been objections to move forward. The idea is not to make a Ministerial Decision and then wait. The idea would be to consult widely but quickly first before making the Ministerial Decision. I would just thank Senator Farnham and Deputy Lewis, who both spoke about the need for fresh water moving forward and I cannot say enough to the Assembly how I think it is important that we do vote in favour of this today. While it is unfortunate the discovery of oxadixyl last year was not the greatest thing for any of us and the more we look the more we find, and the more we find the more we realise we have to do. But I can say to Members that results thus far this year are encouraging and I continue to hope that working alongside the industry we continue to make great strides on the improvement of water quality in the Island, which is so vital for all of us moving forward. I hope that covers all the points and I ask for the appel on the principles.

The Bailiff:

I am not sure you have covered the point from the Deputy of St. Mary.

The Deputy of St. Mary:

I am happy to repeat it if it helps.

The Deputy of St. Martin:

I am sorry. I apologise. He did ask a question about best practice and the codes of practice and I would very much hope that the codes of practice are enforced. At the moment they would be the ones that people would need to adhere to and I am not expecting to move to a situation where as soon as this law is enacted we are suddenly starting to consider the possibility of prosecuting somebody for something that has been done previously. But the codes of practice are there at the moment. They are being followed extensively by the industry and by farmers and I would hope, as I said to the Deputy of St. John, that moving forward we do not necessarily need to use these changes in the law because it would be my intention to work with farmers and not against them, so I hope that covers all the points.

The Bailiff:

The appel is called. I invite Members to return to their seats. The vote is on the principles of the Draft Water Pollution (Amendment No 3) (Jersey) Law. I ask the Greffier to open the voting.

POUR: 39		CONTRE: 2		ABSTAIN: 0
Senator P.F. Routier		Deputy M. Tadier (B)		
Senator A.J.H. Maclean		Deputy S.Y. Mézec (H)		
Senator L.J. Farnham				
Senator A.K.F. Green				
Senator S.C. Ferguson				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

The Bailiff:

Deputy of St. Mary, do you wish to scrutinise this legislation?

The Deputy of St. Mary (Chairman, Environment, Housing and Infrastructure Scrutiny Panel):

In view of the assurances given, no, we do not.

The Bailiff:

Minister, how do you wish to take this draft?

10.2 The Deputy of St. Martin:

Article 1 provides that this law, if approved by the Assembly today, will amend the Water Pollution Law that was enacted in 2000. Articles 2 to 4 substitute the new terms that will in future be used in the Water Pollution Law. Article 5 is a very important amendment to the Water Pollution Law since it will mean that before I can proceed to make a Water Management Order I will be required to first advertise those proposals either in the *Jersey Gazette* and on the Government website and secondly consider any objections that may be raised against those proposals and these requirements will be in addition to the fact that under the current law I am required to consult with my fellow Ministers and other stakeholders that may be affected by the proposals to make a Water Management Order. Article 6 makes a minor amendment to the current Water Pollution Law, which flows from the next article, which is Article 7. That inserts new Articles 14 and 15 into the principle law and I would like to say a few words about those 2 if I may. On Article 14 I just make 2 points. First, having the benefit, as I said, of 17 years' experience in the original Water Pollution Law it is now clear how we wish to move forward and I believe the necessary detail can be adequately dealt with by Ministerial Order. In that way I do not need to keep coming back to the Assembly with regulations and this applies to both the designation of Water Management Areas and the types of controls that can be imposed. Secondly, I would however emphasise we are at the same time introducing those important safeguards that we spoke about just now. I will be permitted to impose a Water Management Order strictly ... I will be restricted to those clearly set out in Sub-Article 2 of Article 14 and furthermore those restrictions can be only relating to business operations. That is people undertaking commercial business. I just turn to Article 15. While this basically restates the offence provision in the original Article 15 the new one also contains the defence of due diligence, which is of course an important safeguard for those carrying out business operations who may inadvertently result in water pollution. This defence is specifically linked to compliance with approved codes of practice under the law that provides practical guidance on how to avoid pollution. Article 8 make a couple of minor consequential changes to Article 45 of the original law, which flows from the earlier amendments, however I would hasten to add that a landowner's entitlement to claim compensation under the law remains unaltered. Finally, Article 9 provides that the new law would come into force 7 days following its registration in the Royal Court. I propose the Articles.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak on any of the Articles? Those Members in favour of adopting the Articles kindly show. Those against? The Articles are adopted. Do you propose in Third Reading, Minister?

10.3 The Deputy of St. Martin:

I do, and call for the appel.

The Bailiff:

Seconded. **[Seconded]** The appel has been called for and I invite Members to ...

Deputy M. Tadier:

Sir, I think we are allowed to speak on a Third Reading.

The Bailiff:

I am so sorry, Deputy, you are quite right. I was taking things too quickly. Does any Member wish to speak?

10.3.1 Deputy M. Tadier:

The reason I voted against this or one of the reasons is that I was disappointed by the Minister's earlier response which seemed to underplay the toxicity and the carcinogenic nature of glyphosate. Now the Minister may not be aware but in the last 24 hours, and indeed in the last hour or so, there has been a case going on in California to do exactly with the carcinogenic nature or otherwise of Roundup and of glyphosate which is the key ingredient in that, and they have upheld the fact that it is a carcinogen and they will be requiring the product to contain a label saying that it is carcinogenic. When we have the Minister standing up making glib comments that it is no more harmful than eating red meat or drinking a glass of red wine, I mean I certainly would not want to go round to the Minister's house for food because I certainly would prefer to drink a glass of red wine than a glass of glyphosate. If he is serving Roundup on the menu then I will not be going round to his anytime soon. But more seriously, this is a serious issue, the reason I raise this again in the Third Reading is that if we are giving the Minister more powers to make decisions off his own bat with officer advice and not bringing these serious matters to the Assembly for the debate, and we have seen the level of debate already. What should have been a quite straightforward debate today has generated lots of interest from Members, quite rightly, because these are areas that touch on the very well-being of our community both in economic terms, agricultural terms and to do with the health of individuals and the management of the environment. When we have a Minister making comments like that I do not necessarily trust him to give him even more powers to go ahead and make decisions without recourse to this Assembly.

[16:30]

That is why I will not be supporting this in the Third Reading, although I do agree with the overall principle and I would encourage any Members who have concerns about giving the Minister more powers in this regard for what is quite a sensitive and serious area to also vote against this in the Third Reading.

The Bailiff:

Does any other Member wish to speak in Third Reading? Deputy Tadier, I was just checking on the use of the word "glib" in the Oxford Dictionary, which is "fluent but insincere and shallow". I take it you mean fluent but shallow?

Deputy M. Tadier:

I will consult my own dictionary [Laughter] ...

The Bailiff:

I think mine wins actually.

Deputy M. Tadier:

There was no intent on my behalf to suggest that he was fluent although he was not stuttering like some Ministers do, nor that he was insincere, and I do not think shallow is an offence in this Assembly, although I am not suggesting he was shallow either. But I do think it was a phrase that rolled off the tongue perhaps with much thought and in that sense I think there is a wider meaning of "glib" which is understood to make the comment, which perhaps has not been fully thought through.

The Bailiff:

You have clarified what you meant, that is absolutely fine. Thank you. Does any other Member wish to speak in Third Reading? Minister.

10.3.2 The Deputy of St. Martin:

I am much happier being called a fluent speaker than effluent speaker. **[Laughter]** I think the Deputy and I are going to agree to disagree because I am disappointed that he has no trust in me. I would like to think I have taken this situation seriously or more seriously than others. I certainly take the issue of clean water in Jersey with the utmost importance and Members will know the very reason I acted almost immediately to ban a chemical called Linuron from being imported or further imports into the Island and I have given the farmers 9 months to use up the stocks that we had before I ban its use as well. But I would apologise to the Assembly for what may have appeared to be offhand and potentially glib remarks about carcinogenic chemicals, about cancer, about other things of that nature. I can assure Members that I take all those issues with the most extreme seriousness. Deputy Tadier mentioned and came back again about glyphosate and he said that only today something in Canada has happened, and I have to say to Members that I am not aware of that. But I will take great interest to see whether that has happened or not. But I would reiterate to Members something I said in the opening remarks. On Friday I sat down for a serious meeting with the chief executive of Jersey Water and my chief officer from the Environment Department and we spoke at length about glyphosate and the remarks I made were not offhand, they did come from a scientific document which I was reading which classed glyphosate in the same category as those other food and drinks. So I was not not being serious but that is certainly a subject which I discussed seriously with people in the industry last week. But I do say to Deputy Tadier that I will go away and research that. Members can have the greatest assurance that I will not be proceeding with allowing chemicals to be put into our drinking water if they were in any way associated with carcinogens. I think that is about it. I ask for the appel.

The Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is on whether to adopt the Water Pollution (Amendment No. 3) (Jersey) Law in Third Reading. I ask the Greffier to open the voting.

POUR: 40		CONTRE: 2		ABSTAIN: 0
Senator P.F. Routier		Deputy M. Tadier (B)		
Senator A.J.H. Maclean		Deputy S.Y. Mézec (H)		
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Senator S.C. Ferguson				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				

Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

11. Draft Income Support (Amendment No. 2) (Jersey) Law (P.5/2017)

The Bailiff:

We now come to P.5/2017, the Draft Income Support (Amendment No. 2) (Jersey) Law. I ask the Greffier to read the citation of the draft.

The Deputy Greffier of the States:

Draft Income Support (Amendment No. 2) (Jersey) Law 201-. A Law to further amend the Income Support (Jersey) Law 2007. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

The Bailiff:

I call on the Minister for Social Security.

11.1 Deputy S.J. Pinel (The Minister for Social Security):

Before I do discuss this subject today, during the debate on the funding of Family Nursing and Homecare by Deputy Southern, I have been working very closely with the Minister for Health and Social Services over the last few months and this change to the Income Support Law allows for regulations which will add a flexible personal care component to the existing income support system. The details of this new component will be set out in regulations which will be debated by the States Assembly in the coming months. The flexible personal care component is designed to support the cost of a homecare package for someone living in a low income household who is not able to afford the full cost of their care package but has care needs that are below the level at which that person would be eligible for the long-term care benefit. The assessment of care packages will be undertaken by health professionals who are also approved under the Long-Term Care Law. The care package and the assessment will follow the same pattern as already used for the Long-Term Care Scheme. This short amendment to the Income Support Law is needed to allow for these health professionals to be included in the decision-making process laid out in the Income Support Law. Members may wish to understand why the assessment process does not follow the existing assessment within income support. There are 3 levels of personal care component included in the existing law. These are assessed using a set of agreed statements. Depending on the level of personal care needed the component is set at a fixed amount from between £23 a week and £145 a week. This pays towards the general extra costs faced by low income households when a member has care needs. There are no specific rules as to what this money must be spent on. The new

components will not be allocated a fixed amount of money and can cover costs up to £350 a week. It is specifically designed to support someone who needs help from an approved care provider to support them with everyday tasks on a regular basis. The healthcare professional will undertake a full assessment of the person's needs and will identify a personal care package that takes these needs into account. The flexible personal care component will then be set in line with the actual cost of this care package. This is similar to the way that long-term care supports people who need care in their own homes and one advantage of using the same assessment process is that people will be better prepared if their care needs increase to the level that long-term care becomes appropriate. The flexible personal care component does not replace the existing 3 levels and a person with care needs that do not require support from an approved care provider will still be able to claim under the current system. The first recipients of the new components are likely to be some of the Family Nursing and Homecare clients who have previously received subsidised care packages. Any low income client affected by the change to the Family Nursing and Homecare funding will be able to apply for the new component during the second half of 2017. This amendment to the law must be approved before the regulations can be debated. As this is primary law it will be referred to the Privy Council for approval and then the States will have the opportunity to debate the regulations which sets out all the details of the new component. I propose the principles.

The Bailiff:

Seconded? [**Seconded**] Does any Member wish to speak on the principles?

11.1.1 The Deputy of St. John:

I would like to ask the Minister to just clarify something for me within the legislation. On page 4 of the proposition it refers in the last paragraph to: "Enabling legislation is required to expand the remit of the Income Support Law to allow appropriately qualified health professionals to undertake assessments of care packages for these claimants", and the Minister briefly spoke about it in her proposing speech. But when referring to Article 3(b), which you can see on page 12, it states that: "The Minister shall by order make provision (i) specifying the descriptions of persons who may make assessment or give approval required pursuant to paragraph 3(a)." So I would just like to understand from the Minister, in determining that wording under 3(b), what types of persons does she expect to be appointing to make these assessments and whether it will be purely healthcare professionals and if that is the case then why was that not specified in the legislation in order for us to give her the power to make that order in the first place and why it could potentially be an accountant or any type of profession at all under the wording that is currently prescribed? So if the Minister can just explain to me how she sees it working in practice in terms of determining the appropriate care packages and particularly under 3(b) it refers to the Medical Appeal Tribunal and I am aware that life is becoming more specialised in the medical world and my concern lies within when making an appeal that the Medical Appeal Tribunal, the expectations on them, in terms of determining that appeal, whether they will require the knowledge as of that of those that have made the care assessment in the first place.

11.1.2 The Connétable of St. John:

In the Minister's speech she said "an approved care provider to support them". That rather suggests that the money is going to a care provider and not to the individual in need. This is, I think, totally wrong and I will not be supporting this on that basis because elsewhere in your report it makes no reference that I have come across to giving the money to a care provider. It talks about giving the money to the individual. I would ask for clarification on that because if it is going to a care provider I will not support it. If it is going to the individual who needs the additional financing to spend as they see fit, providing they can have the receipt, then I will support it.

11.1.3 Deputy G.P. Southern:

Can the Minister clarify whether any trials have been run on the difference between someone who qualifies for level 3 on income support and someone who qualifies on the higher range, on the new flexible support, given that completely different assessment mechanisms are employed for that boundary between 3 and the flexible level? If none so far have been trialled will she undertake to do some trials, make sure that that boundary between level 3 and the flexible care higher level is a smooth one?

The Bailiff:

Does any other Member wish to speak? If not, I call on the Minister to reply.

11.1.4 Deputy S.J. Pinel:

As I said in my opening remarks, of course the details will come out in the regulations, but to answer the Deputy of St. John, Article 3 sets out the assessments that can be made by the level of impairment that the person is deemed in a care package. The assessments will be healthcare professionals as they are in the long-term care assessments at the moment, and the assessors are usually social workers or nurses, occupational therapists and doctors are also able to make assessments. The professionals approved for the long-term care will also be approved for the income support assessment purposes as well. Also I think you asked a question about the Appeals Tribunal which is composed of a doctor, a lawyer and a person who is an expert in disability. That tribunal is already set up. To answer the Connétable of St. John, the money given, as I said in my opening remarks, will be down to the person who receives it to spend it but the care will have to be provided by an approved care provider as it is with long-term care. Of course that will be much clearer when it comes to the regulations as well. The answer to Deputy Southern **[Interruption]** ...

[16:45]

The trials will not be separate but inasmuch as soon as the law comes into effect, which will be after the regulations are approved by this Assembly, which we are hoping the law will come into effect on the 1st of July and then new incomers to income support will be able to apply for the flexible care component and that will be the, if you like, free trial situation. We cannot do a trial without the law being in effect. I maintain the Articles.

The Bailiff:

Those in favour of adopting ...

Deputy G.P. Southern:

Point of clarification, Sir. I think it is a clarification. The Minister, I think, said that these health professionals will be engaged in the income support process, i.e. assessing the levels 1 to 3, as well as level 4. It seemed to me she said ... is that the case?

Deputy S.J. Pinel:

Levels 1 to 3 in the income support ... it is very confusing because there are levels up to 6 in long-term care as well, but there is a big difference. Levels 1 to 3 in income support have not had assessments like this. This is why we are starting different assessments, and it will not be called level 4, because it is too confusing with long-term care, it is to be called the flexible care component.

Deputy G.P. Southern:

She did not answer my question.

The Bailiff:

The principles are maintained. Those in favour of adopting the principles kindly show. Those against? The principles are adopted. Minister, do you propose the Articles *en bloc*.

Deputy S.J. Pinel:

Yes, please.

Deputy J.M. Maçon:

Scrutiny.

The Bailiff:

I am so, sorry. Thank you, Deputy Maçon. I am having a bad afternoon. Deputy of St. Ouen, would you like to scrutinise this?

The Deputy of St. Ouen (Chairman, Health and Social Security Scrutiny Panel):

No, Sir.

The Bailiff:

Thank you. You wish to propose the Articles *en bloc*. I must be looking forward to dinner, I am sure that is what it is. Seconded? **[Seconded]** Does any Member wish to speak on the Articles? Those in favour of adopting the Articles kindly show. Those against? The Articles are adopted. Do you propose the Bill in Third Reading, Minister?

Deputy S.J. Pinel:

Yes, please, and may I ask for the appel?

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak in Third Reading? The appel is called for. I invite Members to return to their seats. The vote is on whether to adopt the Income Support (Amendment No. 2) (Jersey) Law in Third Reading. I ask the Greffier to open the voting.

The Deputy Greffier of the States:

It is not working.

The Bailiff:

Do you want to try again, Greffier? It is not only me having a problem today. Greffier, will you call the roll please?

POUR: 42		CONTRE: 1		ABSTAIN: 0
Senator P.F. Routier		Senator S.C. Ferguson		
Senator P.F.C. Ozouf				
Senator A.J.H. Maclean				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				

Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

I can announce the Bill has been adopted in Third Reading, one vote against.

12. States of Jersey Complaints Panel: reappointment of Members (P.8/2017)

The Bailiff:

We now come to the States of Jersey Complaints Panel: reappointment of Members - P.8 - lodged by the Privileges and Procedures Committee. I ask the Greffier to read the citation of the draft.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion – in accordance with Article 5(2) of the Administrative Decisions (Review) (Jersey) Law 1982, to reappoint the following persons as members of the States of Jersey Complaints Panel, from whom members of Complaints Boards can be drawn, for a period of 5 years – Mrs. Janice Eden, Mr. John Moulin.

12.1 The Connétable of St. Clement (Chairman, Privileges and Procedures Committee):

I am very pleased to be able to seek the approval of the States for the reappointment of Mrs. Janice Eden and Mr. John Moulin for a further term of office of the Complaints Panel. The committee, and I am sure the States, are extremely grateful to the members who give many hours of their time on a totally honorary basis in relation to the work of the panel. I am very pleased that these 2 individuals have offered to serve for a further 5 years. The committee would also like to thank the retiring members, namely, Mrs. Claire Boscq-Scott and Professor Edward Sallis, who have both served for a good period of time. They have generously given their time, as I say, freely to serve

their community for which the committee, I am sure the States and the Island, are very grateful. I make the proposition.

The Bailiff:

Seconded? [Seconded]

12.1.1 Senator P.F.C. Ozouf:

I note that the appointments are made for 5 years and I wondered whether or not the chairman could say whether or not he has ... I know that he is a Clothier supporter and in Clothier one of the recommendations that was not ever implemented was the setting up of an ombudsman and the actual administrative review panel is almost sort of a lightweight version of that. Could he say in proposing these members whether or not he agrees with me that we do need to put in place an ombudsman to deal with administrative issues and could be a significant improvement in the ability of Islanders to seek appropriate hearings and justice? I am not saying the panel is not doing good work, because it does, but it is what it is, which is a fairly informal process with the best of intentions but it is not on the standard of ombudsman that exists in other places. I just wondered whether or not he would say 5 years' appointment but would he also progress the ombudsman as was envisaged by Clothier?

The Bailiff:

Does any other Member wish to speak? Then I ask the chairman to reply.

12.1.2 The Connétable of St. Clement:

Can I express my disappointment at some of those comments? These people do a superb job for the Island and in no way is any one of them, as an individual or as a team, a lightweight version of anything. They do an extremely good job and I think some of their reports which have come to this Assembly show their professionalism and dedication they have shown for the work that they have done. We have discussed with them the possibility of an ombudsman and so far we have not been convinced by anyone of the necessity for an ombudsman in this particular area of work where this Complaints Panel of honorary people do an exceptional job, in my view. Certainly the idea of an administrative ombudsman will be kept under review but I certainly have got no complaints whatsoever about the quality of work and the timeliness of the work and the standard of the work that is carried out by these individuals. I am extremely sorry that that should have been brought into question. I maintain the proposition.

Senator P.F.C. Ozouf:

Can I just make a point of clarification?

The Bailiff:

I doubt very much whether it will be.

Senator P.F.C. Ozouf:

It is a point of clarification because it is the powers of the ombudsman are different from the quality of the people. I made no reference to the people. The ombudsman would have significant powers not of advisory but corrective decision making.

The Bailiff:

That being so, it is not relevant to the proposition.

The Connétable of St. Clement:

That also is not accurate.

The Bailiff:

Those Members in favour of ...

Deputy J.A. Martin:

The appel please, Sir. No, no, no. **[Laughter]**

The Bailiff:

Those Members in favour of adopting the proposition kindly show. Those against? The proposition is adopted.

Senator P.F. Routier:

May I propose the adjournment, Sir?

The Bailiff:

Those in favour of adjourning at this stage, that seems to be the general consensus. The States will stand adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[16:54]